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Letter dated 2 September 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council the second report on the implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Raimonda **Murmokaitė**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters

Second report

Summary

The present report is the second in a series of reports to be issued pursuant to Security Council resolution 2178 (2014), which requires the Counter-Terrorism Committee Executive Directorate to assess Member States' capacity to stem the flow of foreign terrorist fighters, identify good practices in that regard and facilitate the delivery of related technical assistance to States in need. The first report adopted a thematic approach to the foreign terrorist fighter threat, focusing on the implementation efforts of 21 Member States. The second report adopts a regional approach and analyses the efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas.

1. Preventing inter-State travel by foreign terrorist fighters

Most States of the five regions have taken steps to strengthen border controls and prevent travel of foreign terrorist fighters. The measures introduced include passport confiscation, requirement for transit visa and use of International Criminal Police Organization (INTERPOL) screening for potential foreign terrorist fighters. Some States have connected their immigration-screening processes at the front line to the INTERPOL database on stolen and lost travel documents. More States are populating the INTERPOL list of foreign terrorist fighters. However, only some States of the five regions receive advance passenger information, and even fewer have implemented an advance passenger information system. There is an urgent need to strengthen the sharing of information by airlines and Governments through the use of such systems that enable States to detect the arrival or departure of foreign terrorist fighters. Compliance with existing international standards, supplemented by passenger name records, would assist in the detection of foreign terrorist fighters attempting to cross borders by air.

2. Law enforcement

In general, inter-agency cooperation and information exchange on the foreign terrorist fighter threat have been strengthened. Some States have developed a counter-terrorism legal framework by introducing special counter-terrorism laws or by including a definition of "terrorist act" in their criminal codes. In the Oceania/Americas region, all States have established specialized counter-terrorism units and institutional structures in response to resolution 2178 (2014). Most States of the region are introducing programmes to reintegrate and monitor former foreign terrorist fighters, and training on issues relating to foreign terrorist fighters is provided by all States. In East Africa, the Eastern Africa Police Chiefs Cooperation Organization facilitates informal inter-State cooperation and shared capacity-building. In other regions, States share the problems of limited resources, insufficient training, lack of technical capacity, and endemic corruption, all of which hamper their capacity to mount effective investigations and prosecutions.

3. Terrorism financing

Gaps remain in Member States' legislation on countering the financing of terrorism and measures to freeze terrorist assets. In some States, no specific measures are implemented to disrupt and prevent financial support for foreign terrorist fighters. There is an increasing need for Member States' anti-money-laundering/combating the financing of terrorism regulators to engage with financial institutions to communicate potential red flags that may indicate financial activity that supports ISIL and groups associated with Al-Qaida in order to prevent those groups and groups associated with Al-Qaida from accessing the international financial system.

The use of financial intelligence can also be effective in identifying foreign terrorist fighters and tracking and preventing their travel. It is particularly important that Member States form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones. National financial intelligence units should provide an effective interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. Financial intelligence units should efficiently share financial intelligence potentially related to foreign terrorist fighters with national law enforcement counterparts, such as border control agencies, to aid investigations and disrupt foreign terrorist fighters' travel.

4. Regional and international cooperation

There is an urgent need to develop public-private partnerships involving the airline, tourism and financial intelligence sectors in order to identify foreign terrorist fighters, prevent them from travelling or engaging in terrorist acts and bring them to justice. In regions without an INTERPOL regional office, inter-State cooperation serves to strengthen the region's criminal justice response to the foreign terrorist fighter threat.

Many States face significant backlogs of requests for mutual legal assistance. In order to combat the foreign terrorist fighter phenomenon, States must strengthen their capacity to provide mutual legal assistance. For many States, the potential economic impact of terrorist attacks against the tourism sector is significant. Hotels, resorts, cruise lines and transportation services should work together to safeguard tourism security and protect tourists.

5. Countering violent extremism, including through social media

Terrorists' increasing use of information and communications technology for recruitment and propaganda poses significant challenges for policymakers and law enforcement agencies around the world. It has become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter.

Security Council resolutions 1373 (2001) and 1624 (2005) emphasize the need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes. However, efforts to achieve a global legal consensus continue to be undermined by significant differences between Member States' relevant domestic legislation and the limited capacity of investigators and prosecutors to access electronic evidence.

Private Internet companies are increasingly participating in the global counter-terrorism effort. Acting in accordance with their own terms of use, most large corporations proactively and voluntarily moderate content uploaded by their users. In the context of the counter-messaging spectrum, Member States are also issuing alternative narratives and counter-narratives to refute objectionable content published online by terrorists. Most States have developed some capacity to monitor Internet sites and social media with a view to combating online incitement to commit terrorist acts. Some have adopted laws obligating service providers to retain data for the purposes of identifying the perpetrators.

However, there is a need for strengthened judicial cooperation regarding violent extremist content, especially when Internet servers are hosted abroad. States will need to be attentive to the human rights implications of actions taken against Internet and social media communications. Many States also understand that reactive, heavy-handed law enforcement responses to violent extremism can be counterproductive and that programmes developed to help communities to understand and prevent radicalization can be more effective. Some States have launched programmes to fund projects that enhance community understanding of violent extremism and mentor youth.

Efforts to counter violent extremism should encourage the participation of local communities, religious authorities and the health sector. Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet, including social media, should be pursued. That dialogue may need to focus on avenues available to further human rights-compliant self-regulation by private companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.

The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities or infringing on human rights.

Analysis of the five regions/subregions reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.

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I. Introduction

1. The present report is the second in a series intended to support the work of the Counter-Terrorism Committee to identify principal gaps in Member States' capacities to implement Security Council resolutions 1373 (2001) and 1624 (2005) that may hinder their abilities to stem the flow of foreign terrorist fighters, as well as to identify good practices and contribute to the facilitation of technical assistance, as requested by the Council in paragraph 24 of its resolution 2178 (2014).

2. In order to avoid repetitiveness in the compilation of the studies, the Counter-Terrorism Committee Executive Directorate has adopted a "periodical" approach. In other words, the structure of the reports is broadly consistent, but the contents vary. The first report (S/2015/338, annex) took a thematic approach to the affected States, identifying and analysing the crucial legal and policy issues that States should address in order the stem the flow of foreign terrorist fighters. The present second report focuses on regional analysis and analyses in more detail the particularities of each region and the required measures. The third report will include information contained in the previous reports, adding information on and analysis of more regions. It will also focus on the good practices identified throughout the process and include recommendations on both a regional and a thematic basis for further actions to help to strengthen capacities to address the foreign terrorist fighter threat.

3. Each report also contains a section on issues, trends and developments, which the Executive Directorate will bring to the attention of the Committee in accordance with its mandate under paragraph 25 of resolution 2178 (2014) and paragraph 5 of resolution 2129 (2013). Those are particular issues related to the threat of foreign terrorist fighters that the Executive Directorate considers to be worthy of further attention and action. Issues, trends and developments identified in the present report include: the Internet and information and communications technology (ICT); and the need for public-private partnerships to address challenges associated with foreign terrorist fighters.

4. The present report adopts a regional approach and analyses the implementation efforts of 32 States in Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and Oceania/Americas. It employs a risk-based approach in considering the implementation of resolution 2178 (2014). The legal, policy and operational issues highlighted in each regional section may therefore vary (see enclosure I for a discussion of the methodology employed).

5. The present report includes a map showing which Member States are considered to be States of origin, transit States, States neighbouring conflict zones or States of destination. Some States fall into two or more categories. The map reflects the latest information available to the Executive Directorate at the time of publication and may change in accordance with the evolution of the foreign terrorist fighter phenomenon and information provided to the Committee or the Executive Directorate within the framework of their dialogue with Member States pursuant to resolution 2178 (2014) (see enclosures II and III, which contain the map and foreign terrorist fighter ratio by State, respectively).

6. The third report in the series will analyse the remainder of the 78 States most affected by the foreign terrorist fighter phenomenon, covering the Middle East, South-East Europe, South Caucasus, South Asia, South-East Asia, the Sahel and the Lake Chad region. The report will include evidence-based and risk-based

recommendations on ways to address systemic shortfalls in the affected States, providing a more detailed road map to help to strengthen Member States' capacity to counter the foreign terrorist fighter threat.

II. Foreign terrorist fighters: issues, trends and developments

7. Security Council resolution 2178 (2014) underlines that the increasing threat posed by foreign terrorist fighters is part of the emerging issues, trends and developments relating to resolutions 1373 (2001) and 1624 (2005) that, in paragraph 5 of resolution 2129 (2013), the Council directed the Executive Directorate to identify. The present section considers current issues, trends and developments relating to the recruitment of foreign terrorist fighters through the Internet and other ICTs and, in that context, highlights the urgent need to establish public-private partnerships to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters.

A. The Internet and information and communications technology

1. Recruitment and social media

8. The technological advances of the past decade have created an environment in which individuals are able to freely interact with counterparts worldwide, including with malevolent actors, and instantaneously project their views and ideologies, at little or no cost. Those developments have also freed terrorist organizations from their reliance on traditional media as the primary channel through which to convey their messages to their followers and the wider world and have given them the ability to communicate directly with a global audience.

9. The extent to which an individual may be radicalized through social media alone, without being subject to other external influences, is the subject of much debate. However, it has certainly become relatively easy for individuals wishing to join a terrorist organization or travel to a conflict zone to make direct, anonymous contact with a terrorist recruiter. Contact may be initiated on open social media and various communications platforms and may subsequently move to closed, encrypted communications channels.

10. Closed Internet forums allow for in-depth exchanges but are not ideal for recruitment. Potential recruits would not typically know where to locate them and would not necessarily know members who could give them access. Moreover, forum servers may be subject to takedowns and cyberattacks, such as distributed denial of service (an attempt to make a machine or network resource unavailable to users by overloading it with requests). Social media campaigns are more effective because they can be launched in a more decentralized way through volunteers who can repost their contents.

11. The Islamic State in Iraq and the Levant (ISIL) has taken full advantage of the Internet and social media to disseminate its ideology, publicize its activities, raise funds and coordinate and develop its operations. It is estimated that, between September and December 2014, ISIL supporters used about 46,000 Twitter accounts.[1]

[1] J. M. Berger and Jonathon Morgan, "The ISIS Twitter census: defining and describing the population of ISIS supporters on Twitter", Analysis Paper No. 2 (Washington, D.C., Brookings Institution, 2015), p. 2.

12. ISIL produces high-quality propaganda videos that are inspired by popular contemporary culture, including movies and video games, and are cleverly targeted at vulnerable audiences. That phenomenon is known as "narrowcasting" (i.e. designing websites that are directed at a specific audience, including women and children). ISIL has also launched targeted online foreign terrorist fighter recruitment campaigns aimed at hackers, web designers and developers of mobile telephone applications and dedicated social media platforms, both open and encrypted. Other online recruitment campaigns target doctors, engineers and other skilled individuals.

13. The vast reach of ICT provides terrorist recruiters with a global pool of potential recruits. Recruiters are able to adapt their messages to certain sectors of their target audience, including minors or young adults who may be nursing feelings of injustice or exclusion. Some ISIL messages portray extreme violence (e.g. recordings of beheadings or images of innocent victims allegedly killed by ISIL enemies); others seek to portray ISIL in an attractive and favourable light; and others contain ideology, reports from conflict zones or threats.

14. The growing use of ICT for terrorist purposes represents a significant challenge for policymakers and law enforcement entities. Each State has jurisdiction over the servers located in its territory, but the growing use of cloud computing, which provides users and enterprises with various capabilities to store and process their data in third-party data centres, increasingly means that data are stored and processed on servers located outside a particular State's territory and therefore beyond that State's territorial jurisdiction. Moreover, contemporary forms of encryption and anonymity permit Internet users to conceal their identities and to protect the confidentiality and integrity of content against third-party access or manipulation. For example, secure transmission applications are advertised as true end-to-end encryption from the sender to the recipient, based on established and renowned cryptography. However, even though encryption protects the content of communications, it does not conceal identifying factors, such as the Internet Protocol (IP) address, known as metadata. Internet users also employ anonymizing tools to avoid identification. Terrorist organizations are using those tools and even developing their own proprietary encryption software.

15. The rapid expansion of digital communication infrastructure, including the use of social platforms allowing anonymous participation and readily available encoding applications, has both positive and negative aspects. That infrastructure provides individuals with a means to protect their privacy, allowing them to browse, read, develop and impart opinions and information without arbitrary and unlawful interference (see A/HRC/29/32). However, law enforcement and counter-terrorism officials express concern that terrorists and ordinary criminals use encryption and anonymity to hide their activities, making it difficult for Governments to prevent and conduct investigations into terrorism. ISIL, for example, has thwarted attempts to cut its access to the Internet, mobile telephone networks and electricity by switching to satellite technologies and smuggling content to areas with Internet access. Law enforcement agencies must sift through vast amounts of data and differentiate between individuals who are merely expressing opinions and those who are likely to join a terrorist organization, travel or commit an act of terrorism in their own State, and take action to do so.

2. International cooperation in the information and communications technology age

16. As reflected in the provisions of resolutions 1373 (2001), 1624 (2005) and 2178 (2014), there is global consensus on the urgent need to strengthen international cooperation in countering the use of the Internet and social media for terrorist purposes, in particular foreign terrorist fighter recruitment. However, there is no clear consensus as to what measures may be taken. For instance, international cooperation in the context of enforcement with regard to criminal offences dealing with alleged acts of incitement to commit terrorist acts perpetrated through the use of ICT is particularly challenging. It is difficult for many law enforcement officials to differentiate between terrorist propaganda and statements that amount to incitement to commit terrorist acts. States also have different domestic laws and practices and regional arrangements.

17. Some law enforcement agencies are creating Internet referral units that monitor social media content to flag terrorist content, inform private corporations of the abuse of their resources and support investigations by law enforcement agencies. In Europe, a European Police Office (Europol) initiative, "Check the web", was launched in 2007 to "store comprehensive information on persons, objects and activities" that raise suspicion. Similarly, in 2010, the United Kingdom of Great Britain and Northern Ireland launched its Counter-Terrorism Internet Referral Unit to support the removal of unlawful (under United Kingdom law) Internet content by the private sector, support the police counter-terrorism network in investigating and prosecuting terrorist or radicalizing activity and act upon referrals from citizens and public bodies. The volume of unlawful content removed by Internet companies has increased significantly, to 46,000 pieces in 2014. Content relating to Iraq and the Syrian Arab Republic now represents about 70 per cent of the Unit's caseload.[2] In response to the growing challenges faced by law enforcement officials in combating violent extremist content online, European Union member States are pooling their resources in a multilingual Internet referral unit within Europol.

18. However, international cooperation is challenged by the lack of harmonization among domestic legal regimes. For example, if a certain act is not criminalized in all jurisdictions involved, cooperation is difficult. Indeed, States are usually requesting that the principle of double criminality be respected to cooperate. There may also be jurisdictional barriers to accessing electronic data. That is often the case with the Internet and social media, especially since data may now be located anywhere in the world. Member States and other stakeholders disagree as to which States should have jurisdiction to request access to the data (the State in which the data are stored, the State of nationality of the corporation holding the data, the State of nationality of the data owner or the State in which the data are created).

19. Investigators and prosecutors may also have limited access to electronic evidence, since States may have different thresholds for the interception of communications, chain of custody of electronic data, and privacy rights. There are no international standards for the retention of digital data by private corporations. If the data are not retained, they cannot be accessed, even if a request for access is granted. Identification and location of individuals are made more difficult by the anonymity that the Internet can provide, including through encryption and tools that

[2] *CONTEST: The United Kingdom's Strategy for Countering Terrorism — Annual Report for 2014.* Available from www.gov.uk/government/uploads/system/uploads/attachment_data/file/415708/contest_annual_report_for_2014.pdf.

hide the location and IP address, although measures to address this can violate privacy and other human rights.

20. Legal processes, powers and legal remedies for unlawful content (including powers to remove content) vary from State to State. Some States require court orders, while others use administrative processes. Another difficulty is deciding whether taking down a website or account or removing content is advisable. The site content may have intelligence value for law enforcement agencies, and, even if content may be legally taken down, it can easily be made available again under a new account, platform or server. It is thus impossible to eradicate terrorist-generated content completely. In view of the potential intelligence value of such content, to do so may even be ill-advised.

3. Mutual legal assistance

21. Several States expressed concern as to how the current mutual legal assistance system handles demand. Before seeking mutual legal assistance, governmental agencies might request data directly from global private corporations. When doing so, they should nonetheless consider legal issues (e.g. those arising in the State where the global private corporation is incorporated, the State where the data are stored and the State requesting information about its citizens or about transactions occurring within its territory).

22. The third report will explore and expand on the challenges involved in providing international cooperation to stem the flow of foreign terrorist fighters. The Executive Directorate will also submit recommendations to the Counter-Terrorism Committee on ways to enhance international cooperation in that area.

4. Challenges for private Internet companies

23. The Internet is largely privately owned and operated. Social media firms, telecommunications companies, e-mail and Internet service providers and providers of website and data hosting services are all integral partners in the global ICT infrastructure. Many key private corporations are engaged in global activities and have users around the world. Their data centres are also located in several States. Private corporations are subject to the domestic laws of the States in which they operate and must cooperate with law enforcement agencies. However, as noted above, the complexity of the global ICT framework raises several difficult jurisdictional issues in terms of the applicability of domestic laws and the powers of States to enforce them. Private corporations must deal with conflicting domestic laws in their international operations. Facebook, for example, has established guidelines for cooperation with law enforcement worldwide, preservation of data, and emergency requests.

24. Private corporations also employ their own terms of use for their services and can either remove content or terminate the accounts of users violating those terms. Such measures are taken by corporations in the context of terrorist activities, such as recruitment and incitement to commit terrorist acts, in relation to foreign terrorist fighters. Most large corporations proactively and voluntarily moderate content uploaded by their users or remove content that is contrary to their terms and conditions. YouTube has removed 14 million videos over the past two years. Facebook receives and reviews 1 million user notifications about violation of its terms of use (not only for terrorist-related postings) per week, and Twitter has

closed about 2,000 ISIL-related accounts in recent months. It should be recalled that any such practices must be undertaken in compliance with international human rights law, in particular international standards on freedom of expression and the right to privacy.

25. Other forms of Internet content have been successfully moderated. Child pornography, for example, is one such form. However, moderating child pornography is relatively easy because of its very nature. Analysis of contextual political propaganda, even with clearly violent content, is much more difficult and subjective. Because algorithms cannot automatically review content, experts with the required substantive and linguistic skills must moderate content. Large ICT corporations employ teams to review such content on a "24/7" basis. Although criminal sanctions or law enforcement measures may be appropriate in cases in which Internet and social media communications rise to the level of incitement to commit terrorist acts or recruitment, in many cases the most effective response to objectionable content published online by terrorists and their supporters may be counter-narratives and counter-messaging.

26. Some States continue to develop counter-messaging approaches in order to challenge and refute messages supporting or glorifying terrorist activity. Others are proactively producing alternative messages (e.g. retelling and amplifying positive narratives that advocate peace, respect and social inclusion, or deconstructing the narratives of terrorists). Effective strategies to counter the threat of online radicalization to terrorism require that Governments act beyond legislative and law enforcement measures to engage with communities and industry. In most cases, the most effective conveyors of counter-narratives may be family and friends, civil society actors, academic institutions, religious or community leaders and other non-governmental actors. For such campaigns to be effective, the private sector (because of its intimate knowledge of social media demographics and marketing tools) should be an active participant. Governments should welcome grass-roots campaigning initiatives and support them.

5. Human rights dimension of information and communications technology issues

27. Actions taken by States to prevent or remove messages and information communicated through ICT for terrorist purposes raise questions about the relationship between impermissible forms of expression and respect for the right to freedom of speech and opinion. In its resolution 1624 (2005), the Security Council recalled article 19 of the International Covenant on Civil and Political Rights and that any restrictions on freedom of expression shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of article 19. National security is among the grounds on which the freedom of expression might be lawfully restricted. However, any limitations should be proportionate to the threat faced and non-discriminatory. In addition, article 20 of the Convention calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

28. Whereas ICT may be used by individuals for criminal objectives, including terrorism-related objectives, States must exercise care in conducting surveillance of private digital communications. Mass surveillance of digital communications not only implicates the right to privacy but may also have a chilling effect on other fundamental human rights, such as freedom of expression, association and

movement (A/HRC/13/37, paras. 33-38). As noted by the United Nations High Commissioner for Human Rights, lawful and targeted (as opposed to broad-based) surveillance of digital communications may constitute a necessary and effective measure for intelligence and law enforcement entities to prevent the recruitment of terrorists through the Internet (A/HRC/27/37, para. 24).

29. Lastly, private Internet companies need to continually identify, assess, prevent and mitigate any adverse impact of their actions on the human rights of their users in accordance with, inter alia, the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011 (A/HRC/27/37, para. 44). Enhanced multi-stakeholder dialogue concerning violent extremist and/or terrorist activity through the Internet should be pursued and focus on avenues available to further human rights-compliant "self-regulation" by companies, as well as effective cooperation by private entities with intelligence and law enforcement agencies.

B. Public-private partnerships

30. There is an urgent need to establish public-private partnerships between Governments and many business sectors in order to prevent the inter-State travel of aspiring foreign terrorist fighters and the terrorist activities of returning such fighters. In paragraph 9 of its resolution 2178 (2014), the Security Council called upon Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. That request emphasizes the importance of timely information sharing, discussed in paragraphs 26 to 31 of the first report (S/2015/338, annex). The Counter-Terrorism Committee, in its open briefing to Member States on 11 June 2015, focused on that issue in collaboration with the International Civil Aviation Organization and the International Air Transport Association.

31. The Council's call for airlines to share timely information with States reflects the importance of establishing public-private partnerships in assisting States in identifying foreign terrorist fighters, preventing their activities and bringing them to justice pursuant to the resolution. Partners should include companies that offer other types of transportation services, including shipping companies and cruise lines, many of which already have effective information-sharing mechanisms in place, as well as social media companies and other private sector partners.

1. Tourism sector

32. Recent events have demonstrated the critical need to protect tourist infrastructure. In October 2002, 202 people, including many tourists, were killed in Bali, Indonesia. That attack was followed by the murder of 20 people in October 2005 in Bali in a series of suicide and car bomb attacks. The attacks on the Egyptian resort city of Sharm el-Sheikh in July 2005 killed 88 people (mostly Egyptians) and injured more than 200. The terrorist attack of 18 March 2015 against the National Bardo Museum in Tunis killed 22 people. The attack of 26 June 2015 against the Tunisian beach resort of Sousse killed 38 people. Most victims of those attacks were foreigners.

33. Even though such attacks are historically quite rare and are usually carried out on a relatively small scale, they can have a devastating economic impact, particularly on States that rely on tourism for economic development. In such instances, the consequences of terrorism are not confined to the attack location. The Caribbean region experienced a 13.5 per cent decline in visitors from the United States of America after the terrorist attacks of 11 September 2001, leading to the temporary loss of an estimated 365,000 jobs. Private companies suffer devastating consequences as a result of such attacks. For many States, the destruction of the tourism sector would represent a serious threat.

34. Returning foreign terrorist fighters and aspiring foreign terrorist fighters who have been prevented from inter-State travel may carry out such attacks. In that regard, the Executive Directorate has been working with the World Tourism Organization and the Organization of American States Inter-American Committee against Terrorism to raise awareness not only of the importance of tourism security but also of the crucial need to protect tourists through public-private partnerships. Hotels, resorts, cruise lines and transportation services must work together with Governments to exchange information, review guidelines and ensure that terrorist risks to the sector are identified and addressed.

2. Financial intelligence

35. It is particularly important that Government form partnerships with financial institutions (including banks, money-value businesses of all types and other financial businesses and professions) to ensure that financial intelligence is used effectively to identify foreign terrorist fighters and prevent their travel to conflict zones.

36. Recent events have drawn attention to the massive funding streams established by ISIL and other terrorist organizations linked to Al-Qaida. In its resolution 2199 (2015), the Security Council recognized the importance of the banking sector in addressing that threat by urging Member States to ensure that financial institutions prevent ISIL, the Al-Nusrah Front and other groups associated with Al-Qaida from accessing the international financial system. Foreign terrorist fighters rely primarily on self-funding to travel from their place of origin, often through a transit country or countries, and then to the conflict zone. Because foreign terrorist fighters need to withdraw funds to pay for travel expenses and other needs, financial institutions are ideally placed to help to identify potential foreign terrorist fighters. Recruiters are known to persuade individuals to join ISIL with promises of financial reward, although this usually does not come to fruition.

37. Financial intelligence can, however, play a crucial role in identifying foreign terrorist fighters and preventing their travel. Many of the States analysed in the present report (including Australia, Canada and France) have developed strong partnerships between government and financial institutions. Many provide guidelines for banks, as well as feedback on suspicious activity reports. Technological advances allow financial institutions to scan millions of accounts extremely rapidly. The gathering of financial intelligence, as with any other form of intelligence gathering, should be carefully regulated by law so as not to unduly infringe upon human rights, chiefly the right to privacy. Furthermore, national financial intelligence units should provide an interface between government and financial institutions that ensures a two-way flow of information, including adequate guidance and feedback to the private sector. The Australian Transaction Reports and Analysis Centre, for example, provides thematic

guidance to Australian financial institutions on the monitoring of funds sent to the Syrian Arab Republic and neighbouring States. Financial institutions are able to deploy sophisticated algorithms and filters that alert them to cases requiring further investigation.[3] The Financial Action Task Force is developing tools for its members to use as guidance in their partnerships with the private sector. Actively communicating with financial institutions potential red flags that may indicate terrorist financing activities improves financial institutions' internal monitoring and screening processes, helping to prevent ISIL and other groups from accessing the international financial system, and provides additional and improved reporting on suspicious transactions. That reporting provides critical information to law enforcement agencies seeking to identity and disrupt foreign terrorist fighter travel.

III. Systemic shortfalls: regional analysis

38. The regional analysis focuses on five regions/subregions that include States affected by foreign terrorist fighters: Central Asia, the Maghreb, East Africa/Horn of Africa, Western Europe and the Americas/Oceania. Not all the legal, policy and operational challenges associated with foreign terrorist fighters affect all five regions equally. A risk-based approach has therefore been adopted in order to identify the most pressing issues for each region and focus on them.

A. Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

1. General threat assessment

39. Three Central Asian regional terrorist organizations are listed by the United Nations as being affiliated with Al-Qaida: the Islamic Movement of Uzbekistan (also known as the Islamic Movement of Turkestan), the Islamic Jihad Group (or Union) and the Eastern Turkestan Islamic Movement. The Islamic Movement of Uzbekistan pledged allegiance to ISIL in the spring of 2015. All five States have designated and banned terrorist and extremist organizations nationally.[4]

40. Central Asian States are considered to be States of origin because militants from the region are travelling to conflict zones in increasing numbers. According to conservative estimates made by various Central Asian States in the spring of 2015, between 500 and 1,500 individuals from the region are fighting in Afghanistan, Iraq, Pakistan and the Syrian Arab Republic.[5] Along with ethnic Chechens from the Russian Federation, fighters from Central Asia are among the senior commanders of ISIL and the Al-Nusrah Front (see also S/2015/358). In late May 2015, a high-profile

[3] Tom Keatinge, "Identifying foreign terrorist fighters: the role of public/private partnership, information sharing and financial intelligence" (London, Royal United Services Institute, 2015).

[4] Defined as "terrorist" and/or "extremist" in the respective court rulings, the organizations include Hizb ut-Tahrir, the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, the Eastern Turkestan Islamic Party, Jamaat al-Jihad al-Islamias, Tablighi Jamaat, Takfir wal-Hijra, Ansarullah, Jund al-Khilafah and Akromiya, among others.

[5] Sources of estimates include information provided directly by Member States to the Executive Directorate, reports provided by international regional organizations and data issued by State officials.

commander of the Tajikistan elite police force issued a propaganda video from the Syrian Arab Republic after reportedly joining ISIL there.[6]

41. It is reported that foreign terrorist fighters from Central Asia travel to the Syrian Arab Republic through Turkey; others cross the porous borders of Afghanistan and Pakistan to attend training camps in Northern Waziristan and are then sent to fight in Afghanistan or in the Syrian Arab Republic. Since most share language and ethnic similarities with certain minorities living in Afghanistan, it is difficult for Afghan law enforcement officers to identify them. The Islamic Movement of Uzbekistan is largely responsible for foreign terrorist fighter recruitment in the region. Its recruiters also try to lure migrant workers to join their ranks. One phenomenon of increasing concern is the recruitment of women. Some States report that their nationals travel to ISIL-controlled territories to settle as families.

42. Some of those militants have returned to their respective home States to engage in terrorist activity. In August 2013, the State Committee for National Security of Kyrgyzstan detained three Islamic Jihad Group members (nationals of Kazakhstan and Kyrgyzstan) charged with plotting a series of terrorist attacks after returning from the Syrian Arab Republic. In 2014, 14 members of a terrorist group were convicted by a Kyrgyz court of, inter alia, mercenary activity and preparation for terrorism, including in relation to terrorist training abroad and participation in military activities in the Syrian Arab Republic. In February 2014, four men were put on trial in Kazakhstan on terrorism charges after having allegedly fought in the Syrian Arab Republic.

2. Regional analysis of Central Asia

(a) Criminalization requirements of resolution 2178 (2014)

43. Since most Central Asian States are States of origin, they are taking measures to stem the flow of their nationals to Afghanistan, Iraq, Pakistan and the Syrian Arab Republic. None have explicitly criminalized foreign terrorist fighter travel (or attempted travel) as required by resolution 2178 (2014), but many have introduced amendments to their criminal codes and counter-terrorism legislation to criminalize recruitment, training, financing and other forms of support for terrorist activity. In addition to criminalizing terrorism-related crimes and various forms of complicity, most Central Asian States also criminalize illegal involvement or participation in armed conflict or military operations abroad, albeit without any explicit reference to terrorist activity. However, most States have overly broad, vague and open-ended definitions of terrorist offences that go beyond the definitions provided for in the international counter-terrorism instruments. This raises human rights concerns.

44. Over recent years, several hundred individuals from the region have been convicted of terrorist crimes and crimes with violent extremist elements. Security forces, prosecutors and courts have been active in arresting, trying and convicting people on charges of terrorism, including terrorism financing. However, United Nations human rights mechanisms have raised concerns at the use of torture,

[6] According to the Office of the Prosecutor General of Tajikistan, criminal charges were brought against that individual on 28 May 2015 pursuant to Criminal Code articles 305 (State treason), 187 (participation in a criminal association) and 401 (1) (illegal participation in armed conflicts or military actions abroad). An INTERPOL red notice was issued on the same day.

arbitrary detention, lack of access to a defence lawyer, and other fair-trial violations. Acquittals in criminal cases are as low as 1 per cent in some States.

(b) Law enforcement and preventing the movement of persons

45. Law enforcement, border and customs authorities have strengthened the monitoring of foreign terrorist fighter travel and are increasingly aware of the need for effective inter-agency cooperation and information exchange. Kyrgyzstan and Tajikistan have established working groups and inter-agency commissions on matters relating to foreign terrorist fighters. The State Committee for National Security of Kyrgyzstan reported in February 2015 that, as a result of close cooperation with the State Border Service, more than 500 individuals had been identified as requiring monitoring if crossing the State border. Moreover, daily "filtration measures" (i.e. screening measures, including document verification) are taken at Bishkek and Osh airports. In 2013, six channels for the smuggling of recruited individuals from Kyrgyzstan to the Syrian Arab Republic through Turkey were detected and suppressed, and 21 criminal groups (consisting of Kazakh, Kyrgyz, Tajik and Uzbek nationals) were dismantled. Kyrgyz intelligence states that, because of those measures, terrorist recruiters and smugglers consider Kyrgyzstan to be an "undesirable and risky route" and have shifted their focus elsewhere in the region.

46. Some States have enforced strict residence registration rules and conduct periodic controls of residences to detect individuals who have left the country. No Central Asian State currently implements an advance passenger information system.

(c) Terrorism financing

47. To date no specific measures to disrupt and prevent financial support to foreign terrorist fighters have been implemented in the region. Legislative and operational measures in place to counter the financing of terrorism also apply to countering the financing of foreign terrorist fighters and their travel, but all States of the region need to address a number of shortfalls, including with respect to legislation and procedures for freezing terrorist assets and monitoring money remittance services.

(d) Countering violent extremism

48. In response to the growing phenomenon of radicalization and recruitment to terrorism (including foreign terrorist fighters), most Central Asian States have put in place measures aimed at preventing their nationals from travelling abroad and joining terrorist groups. Most such initiatives are implemented at the local community level (e.g. through mahallas, in Uzbekistan) and involve representatives of State authorities, civil society, clerics and families of potential foreign terrorist fighters. Counter-narratives are also disseminated through various mass media. However, State committees on religious affairs play a prominent role in all Central Asian States. Some measures, in particular those relating to the regulation of religious organizations, religious education and religious literature, have been identified as matters of concern by United Nations human rights mechanisms as infringing on the freedoms of religion and conscience. States of the region also face challenges in implementing measures to counter terrorist and violent extremist propaganda through the Internet (including blocking web content) while ensuring respect for the right to freedom of expression.

(e) Regional and international cooperation

49. Regional cooperation is channelled primarily through the Anti-Terrorism Centre of the Commonwealth of Independent States and the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization. Some Central Asian States also feed data into consolidated regional lists of individual terrorists and terrorist or violent extremist organizations maintained by the two entities. The specialized database of the Anti-Terrorism Centre also contains names of foreign terrorist fighters from States members of the Commonwealth of Independent States and the names of those involved in recruiting them and supplying them with weapons. Since March 2013, the Anti-Terrorism Centre and INTERPOL have been developing a target project aimed at enhancing the collective and national capacities of the law enforcement agencies of the States in the Central Asian region that are members of the Commonwealth of Independent States to prevent and combat terrorism.

B. Maghreb: Algeria, Libya, Morocco, Tunisia

1. General threat assessment

50. The first State of the Maghreb to experience terrorism was Algeria, in the 1990s; more than 100,000 people were killed in Algeria during the "dark decade". The Maghreb region is a significant transit route for various forms of trafficking, including drug, arms and migrant trafficking. The deteriorating situation in Libya has created sanctuaries for terrorists and facilitated the supply of weapons to terrorists groups, including Al-Qaida in the Islamic Maghreb, Ansar al-Sharia and ISIL. Al-Qaida in the Islamic Maghreb engages in kidnapping for ransom and cross-border trafficking to fund its activities. Its breakaway faction, the al-Mulathamun Battalion ("Al Morabitoun"), was responsible for the attack in January 2013 on an Algerian gas facility near In Amenas, in which 39 foreign hostages, 29 terrorists and 1 Algerian security guard were killed.

51. Algeria has strengthened its border-control mechanisms since the In Amenas terrorist attack. Since then, all borders except the border with Tunisia have been closed. Ansar al-Sharia is present in Libya and Tunisia. It has publicly denied allegiance to the Al-Qaida "core", but it does train fighters who wish to join the core. Libya-based Ansar al-Sharia is thought to have been responsible for the attack in 2012 against the United States Embassy in Benghazi, and Ansar al-Sharia in Tunisia carried out a similar attack on the United States Embassy in Tunis. Those regional cells recruit fighters from other States of the region, as does Al-Qaida in the Islamic Maghreb.

52. ISIL is attempting to strengthen its presence in the region, notably in Libya, and has been responsible for the killing of Egyptian Coptic Christians. It also claimed responsibility for the recent attacks on the Bardo Museum in Tunis and the beach resort in Sousse. It uses the region as a hub for the recruitment, departure and transit of foreign terrorist fighters seeking to join the conflicts in Iraq and the Syrian Arab Republic. Of the estimated 30,000 foreign terrorist fighters who have departed for the Syrian Arab Republic, more than 5,000 are estimated to have come from the Maghreb. This is the second-largest regional contingent, after that from the Middle East. Several small terrorist groups have pledged allegiance to ISIL. They include the Algerian terrorist group Jund al-Khilafah fi Ard al-Jazayer (Soldiers of the Caliphate in Algeria).

2. Regional analysis of the Maghreb

53. The Maghreb States are deeply affected by the phenomenon of foreign terrorist fighters, whether as States of origin and transit or as States neighbouring conflict zones (Libya and Mali). Libya is also a State of destination. The States of the region are fully aware of the need to stem the flow of foreign terrorist fighters and have taken countermeasures. However, a number of shortfalls need to be addressed.

(a) Criminalization requirements of resolution 2178 (2014)

54. Member States of the Maghreb have developed counter-terrorism legal frameworks. Three have either introduced a special law on counter-terrorism or included a definition of "terrorist act" in their criminal codes. One State uses the provisions of its Criminal Code to prosecute terrorist acts. Three States have set up specialized investigative and judicial units for counter-terrorism cases. States of the region have taken steps to respond to the requirements of resolution 2178 (2014), some more comprehensively than others. One State has amended its Criminal Code, and two others are currently amending either their Criminal Code or their special counter-terrorism law. Amendments adopted or contemplated include criminalization of the travel of nationals or foreigners residing in the State for the purpose of the perpetration, the planning or preparation of, or participation in, terrorist acts, or receiving and providing training within or outside the territory; the wilful organization of travel for individuals travelling abroad for the purpose of preparing terrorist acts or participating in, providing or receiving training or facilitating the commission of terrorist acts, including recruitment; and entering or crossing the territory with a view to travelling to another territory to commit terrorist offences. All four States have criminalized joining a terrorist group, inside and/or outside the territory. One State has introduced a legislative amendment specifically covering the financing of travel pursuant to resolution 2178 (2014).

(b) Preventing inter-State travel by foreign terrorist fighters

55. *Departure*. One State relies on an existing law to prevent persons suspected of intending to become foreign terrorist fighters from leaving for Libya or Turkey. Such individuals may keep their passports, but those who are banned from leaving the State because of a court conviction have their passports confiscated. Another State is currently revising its Code of Criminal Procedure to enable its Prosecutor General to impose a travel ban on individuals being investigated for likely involvement in an offence. The administrative authorities of that same State may decide temporarily not to issue a passport if there are suspicions that the individual is travelling to a conflict zone. A third State is considering subjecting travel to Turkey to prior authorization. One State has no measures in place to prevent foreign terrorist fighters from leaving the State and is also increasingly becoming a State of destination.

56. *Immigration control*. Two States have established computerized systems for checking travellers' names, criminal records and documents at international airports and/or main border posts. Those systems are connected to a central database that includes lists of individuals wanted nationally and internationally, including terrorists and individuals with stolen and lost travel documents. A third State is upgrading its system for identifying travellers, while another is no longer in a position to implement its legislation, policies and procedures with regard to immigration controls. There is no visa requirement between States of the Arab Maghreb Union or

for individuals transiting through their territories. One State conducts immigration controls only on persons transiting through its territory by land. However, in the absence of information from the State of origin on suspected foreign terrorist fighters, it is difficult for the States of the region to intercept foreign terrorist fighters at their borders. One State has connected its front-line immigration-screening process to the INTERPOL database on stolen and lost passports, red notices for suspected criminals and wanted persons, and the Al-Qaida sanctions list. INTERPOL provides a list of foreign terrorist fighters to all its member States, but the list needs to be populated by States of origin. At least one Maghreb State has begun to do so.

57. *Use of advance passenger information*. Two States receive advance passenger information, but their systems are not fully computerized. Passenger data are matched against watch lists and risk analysis is performed. Another State does not systematically receive such information from all airlines. One State previously received advance passenger manifests, which were checked against various databases, especially if the originating State was considered to represent a potential risk or if there was information of interest concerning individual passengers on the flight. However, that State is no longer in a position to process such information.

(c) Recruitment

58. Foreign terrorist fighters from the Maghreb come primarily from a few specific areas and cities with active local networks for radicalization, recruitment and facilitation of travel. One State has conducted a study of those who have left to join conflict zones in an effort to develop a profile of potential foreign terrorist fighters and prevent further departures. All States have criminalized recruitment to commit acts of terrorism, and three criminalize recruitment inside and outside their territories. Two States monitor prisons to prevent recruitment among inmates. The Internet and social media, anonymous phone calls from abroad and fatwas also play an important role in recruitment in the region. All States but one have developed some capacity to monitor Internet sites or social media. One State also employs community policing to prevent recruitment and has introduced legislation enabling its Attorney General to authorize the monitoring of electronic communications and the requirement for service providers to retain data on the detection of offences and the identification of the perpetrators. However, States of the region stress that, because Internet servers are hosted abroad, international judicial cooperation would be required to block certain sites. Data protection laws introduced to safeguard the right to privacy create additional challenges and may hamper such cooperation.

(d) International and regional cooperation

59. There is a need for States of the region to strengthen regional cooperation. The absence of strong internal coordination between police, border control authorities and intelligence services and the absence of strong cooperation among prosecutors and judges may undermine the region's criminal justice response to the foreign terrorist fighter threat. The establishment of a regional INTERPOL office for the Maghreb would enhance States' efforts to stem the foreign terrorist fighter flow. Regional judicial cooperation is not well developed. However, most States have developed strong cooperation with European States, particularly in the area of mutual legal assistance. One State is considering joining the INTERPOL e-extradition initiative, a new tool being developed to transmit requests electronically and securely.

C. East Africa/Horn of Africa: Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda, United Republic of Tanzania

1. General threat assessment

60. Al-Shabaab, the major terrorist organization in the subregion, is described by the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) as "determined, prolific and effective". It has the numbers and strength to pose a major threat to peace and stability in the subregion and beyond. Formally affiliated with Al-Qaida, it is based primarily in Somalia, which has suffered repeated terrorist attacks since the early 1990s (including recent direct attacks on United Nations staff). In March 2014, it was estimated that Al-Shabaab controlled at least half of southern and central Somalia. Al-Shabaab mimics government structures, and its preferred modus operandi is violence. It conducts Internet activity through the "al-Kataib" website and social media. It consists mostly of Somalis, but there are also significant numbers of foreigners, especially Kenyans, including at the highest level. Recruitment is conducted primarily in Kenya and Somalia, but attacks have also been committed by nationals of Ethiopia, Uganda and the United Republic of Tanzania. Local and foreign perpetrators cooperate to mount increasingly sophisticated and damaging attacks in Ethiopia, Kenya and Uganda. In Kenya's coastal regions, emerging terrorist groups, such as Al-Muhajiroun, have threatened communities in Kenya and Uganda through social media. The conflicts in Iraq and the Syrian Arab Republic have attracted small numbers of Eritreans, Somalis and Sudanese to such groups as the Al-Nusrah Front and ISIL.

2. Regional analysis of East Africa/Horn of Africa

61. The subregion includes States of origin and transit, States neighbouring conflict zones and States of destination. Some States meet all four criteria. Ethnic communities in certain States of the region suffer from perhaps well-intentioned, but ill-conceived and disproportionately applied, counter-terrorism measures. A regional counter-terrorism strategy aimed at addressing the foreign terrorist fighter threat must therefore be multidimensional and sensitive to competing interests, including human rights obligations.

(a) Criminalization requirements of resolution 2178 (2014)

62. The East African Community agreed on a joint counter-terrorism strategy in April 2014. All seven States except one have adopted specific counter-terrorism legislation. The seventh State is currently considering draft legislation. No State has introduced legislation specifically addressing the "travel" element of resolution 2178 (2014), but the legislation of three States is sufficiently broad to cover most foreign terrorist fighter-related offences, and that of the others could be used to address some aspects. However, only three States clearly criminalize joining a terrorist organization, and only two States clearly criminalize the receipt of training pursuant to resolution 2178 (2014). Both those States and two others have criminalized the provision of training for terrorist purposes.

(b) Terrorism financing

63. Most States of the region have ratified the International Convention for the Suppression of the Financing of Terrorism of 1999. Financial transactions are conducted through cash payments, mobile telephone payments or informal transfers.

This makes the tracking of financial flows difficult. Six States have introduced legislation on terrorist financing, but in one case the legislation has not been harmonized across the entire State and only the provisions on asset freezing and designations are applied everywhere. Moreover, no State has introduced legislation specifically covering the financing of travel pursuant to resolution 2178 (2014). Five States have introduced legislation on asset freezing, but implementing national asset-freezing measures remains a challenge. Only one State has designated persons and entities pursuant to resolution 1373 (2001). Five States have established a financial intelligence unit, and some have begun to develop formal relations with customs, law enforcement or other agencies. In one State, the legal basis for a financial intelligence unit exists, but it is unclear whether such a unit has been established. Limited information is available on the practical exchange of information on foreign terrorist fighters, whether domestically or regionally.

(c) Law enforcement/prosecution and international cooperation

64. Five States are members of the Eastern Africa Police Chiefs Cooperation Organization, which facilitates informal inter-State cooperation and shared capacity-building. However, intelligence and information sharing and inter-agency and interregional cooperation and coordination are generally insufficient. Only two States have established specialized counter-terrorism law enforcement and prosecution units. Across the region, limited resources, insufficient training and lack of technical capacity hamper law enforcement responses and the ability of States to mount effective investigations and prosecutions. United Nations human rights mechanisms have raised serious concerns over human rights violations committed by law enforcement agencies in the region. The East African Community States have strengthened national cooperation and coordination between their law enforcement and prosecution services, and the number of court cases has increased. However, progress is slow, and the requirements of resolution 2178 (2014) have increased legislative and institutional burdens.

65. Even though prosecuting authorities cooperate informally under different regional groupings, there is no single, coherent regional platform for mutual legal assistance and extradition. Only two States of the region have ratified the Intergovernmental Authority on Development Conventions on Extradition and Mutual Legal Assistance, which provide a framework for cross-border criminal justice cooperation. Strengthened informal and formal judicial cooperation has resulted in successful prosecutions, especially in East African Community States (e.g. in the Kampala bombings in 2010). However, foreign terrorist fighter-related investigations and prosecutions, especially in Somalia, require deeper and more rapid cooperation aimed at generating sufficient, timely evidence. There is also a need to strengthen capacities to gather and analyse evidence from social media and the Internet. The lack of regionally harmonized laws may also hamper efforts to bring cases to court if extradition is necessary.

(d) Preventing inter-State travel by foreign terrorist fighters

66. Lengthy and porous land and sea borders continue to facilitate movements of people, illegal weapons and cash. All seven States have introduced machine-readable travel documents, but only one State's border police have access to INTERPOL databases at all ports of entry/exit. No State uses advance passenger information. Significant cross-border flows of refugees and undocumented migrants hamper efforts

to identify potential terrorists or foreign terrorist fighters. Limited information is available concerning whether risk assessments or screenings or related measures are conducted to address the foreign terrorist fighter threat or whether States are coordinating their efforts. Differing visa-free arrangements between States of the region hamper effective screening of movement. Three States, however, control transit through their territory, primarily for nationals of States outside the region.

(e) Recruitment/countering violent extremism/incitement to commit terrorist acts

67. Four States have criminalized terrorist recruitment, while one is considering related draft legislation. However, national efforts to counter recruitment are insufficient and tend to focus on reactive, heavy-handed law enforcement responses, rather than on an inclusive, balanced approach that incorporates outreach to civil society and local communities. That approach can foster a sense of grievance among marginalized communities, leading to further radicalization. Often the laws introduced in East Africa to criminalize incitement, rather than incitement to commit terrorist acts, use vague and broad terminology that can lead to human rights abuses.

D. Western Europe: Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Spain, United Kingdom of Great Britain and Northern Ireland

1. General threat assessment

68. Many States of Western Europe continue to be origin and transit States of foreign terrorist fighters. It is estimated that several thousand European passport holders are in Iraq and the Syrian Arab Republic, and this poses a significant threat to the national security of several States. Some Western European States have been the victims of terrorist attacks reportedly carried out by foreign terrorist fighters who have returned from conflict zones where terrorist groups operate and/or travelled abroad to receive terrorist training. This includes the terrorist attack in May 2014 on the Jewish Museum in Brussels (reportedly carried out by an ISIL terrorist returnee) (S/2015/338, para. 23), the attack in January 2015 on the Paris-based satirical magazine *Charlie Hebdo* (carried out by individuals who had reportedly received terrorist training in Yemen), and the murder in February 2015 of two people in Copenhagen (reportedly perpetrated by a Danish citizen who, albeit not a returning foreign terrorist fighter, was a "homegrown violent extremist" who had reportedly been inspired by the Paris attack without having travelled abroad).

69. Many States of Western Europe are aware of the number of foreign terrorist fighters who have left their territories, returned to their territories or perished in conflict zones. They are able to track the flow of foreign terrorist fighters with a view to identifying the appropriate and proportionate response to the individuals concerned at the various stages of their journey as such (from initial interest to radicalization, commitment, action, joining a foreign terrorist group, recruitment for travel, planning to travel, travelling, committing terrorist acts and/or returning).

2. Regional analysis of Western Europe

(a) Criminalization requirements of resolution 2178 (2014)

70. With respect to implementing the criminalization requirements of resolution 2178 (2014), few of the Member States surveyed have fully complied with the

resolution by adopting new or amending existing criminal legislation. Some apply existing criminal counter-terrorism legislation, including under the concepts of recruitment or participatory acts, pursuant to general criminal law provisions. Some have supplemented existing laws with further amendments to cover preparatory acts that may lead to travel to join the conflicts in Iraq and the Syrian Arab Republic. Security Council resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism[7] require Member States, including States of the European Union, to criminalize the receiving of terrorist training and the provision of such training. The criminalization of the receipt of terrorist training is not, however, required by European Union Council Framework Decision 2008/919/JHA.

71. Emerging criminal case law in the States surveyed indicates jurisdictional and evidentiary challenges, such as those relating to the admissibility of evidence acquired from intelligence sources. In view of the challenges associated with gathering evidence (also in relation to proving the commission of criminal offences of foreign terrorist fighter travel or attempted travel), European Union States are seeking to ensure that practical application complies with the principle of legality and the rights to be presumed innocent and to freedom of movement with a view to ensuring that the criminalized acts are supported by objective manifestations of conduct.

(b) Preventing inter-State travel by foreign terrorist fighters

72. Pursuant to resolution 2178 (2014), Member States must require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from, attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities. However, only a few European Union States have implemented an advance passenger information system, which can be an effective tool in interdicting the travel of foreign terrorist fighters, other terrorists and other individuals engaged in transnational organized crime. This is especially the case if advance passenger information is used in conjunction with INTERPOL databases. A proposed European Union directive on the introduction of passenger name records, whose introduction by Member States was also encouraged by the Security Council in its presidential statement of 19 November 2014 (S/PRST/2014/23), has been pending since early 2011 owing to privacy and data protection concerns raised by the Civil Liberties, Justice and Home Affairs Committee of the European Parliament. Europol utilizes "focal point travellers", a tool for the collection, analysis and sharing of information about foreign terrorist fighter recruitment and travel facilitation, and in February 2015 concluded a related cooperation agreement with the United States of America.

73. Legal and administrative measures taken by individual European Union member States to prevent the movement of foreign terrorist fighters who are nationals of the State out of, or back into, their territories include the possibility of (temporary) withdrawal, suspension or confiscation of passports and other types of travel document, including those of minors. Suspected foreign terrorist fighters who are foreign citizens residing in the member State concerned may be ordered not to leave the State, prevented from re-entering or be subject to revocation of their

[7] Adopted by the Committee of Ministers at its 125th session, on 19 May 2015.

residence permit. Several European Union States have passed laws that would allow for the revocation of citizenship, and one State has the legal basis to revoke the citizenship of an individual who has obtained citizenship through naturalization, even if it would render the individual stateless. Such measures may raise serious human rights issues. States must ensure that all measures taken to implement resolution 2178 (2014) are in full compliance with international law, in particular international human rights, refugee and humanitarian law.

(c) Law enforcement

74. Law enforcement agencies and intelligence services have worked collectively to strengthen their responses to the foreign terrorist fighter threat. As most European States are Schengen members, citizens enjoy "borderless travelling" within Europe. It is therefore essential to ensure timely, complete and accurate information exchange. Several initiatives have been launched to strengthen cooperation among law enforcement agencies. The Prüm Treaty of 2005, currently in force in 14 European Union States, permits the exchange of data concerning DNA, fingerprints and vehicle registrations and counter-terrorism cooperation. The Treaty also contains provisions for the establishment of joint police patrols, entry of (armed) police forces into the territory of another State for the prevention of immediate danger ("hot pursuit"), and cooperation within the framework of major events or disasters. In April 2012, the European Criminal Records Information System was created to improve the exchange of information on criminal records throughout the European Union.

75. Several European Union member States are currently working on data retention regulations for the communications sector. Such data are considered to be an important source of information in identifying individual links in terrorist networks. However, the said initiatives are also meeting resistance, since some of the envisaged provisions have far-reaching privacy implications and may violate certain fundamental rights.

(d) Regional and international cooperation

76. International cooperation among European Union States is strong. Bilateral and multilateral cooperation is the responsibility of States themselves, but the European Union plays an increasingly important role, especially with regard to the harmonization of such cooperation. European Union States utilize a range of networks to facilitate international cooperation, not least in relation to the foreign terrorist fighter phenomenon. Over the years, such agencies as Europol, Eurojust, Frontex, the European Judicial Network, the Financial Intelligence Unit Network and the Schengen Information System have demonstrated the capacity to provide platforms for closer European cooperation, including cooperation with non-European Union partners.

77. The European Union has also strengthened cooperation on intelligence. The main agency concerned is the European Union Intelligence Analysis Centre, whose mission is to provide intelligence analysis, early warning and situational awareness to various European Union decision makers within the framework of the Common Foreign and Security Policy and the Common Security and Defence Policy, as well as to European Union States. The Centre achieves this by monitoring and assessing

international events, focusing particularly on sensitive geographical areas, terrorism, the proliferation of weapons of mass destruction and other global threats.

78. European Union States also promote the extended use of INTERPOL to share information on foreign terrorist fighters and disrupt their travel through the use of INTERPOL notices, its stolen and lost travel documents database and coordinated border-control operations. Several European Union States have extended the INTERPOL I-24/7 communications network to immigration officers at the borders. Some of the States visited by the Committee have also established integrated databases that include national, regional and international data enabling immigration officers to rapidly process travel documents of third States. In a similar spirit, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism highlights the importance of designating points of contact available 24/7 in order to strengthen the timely exchange between parties to the Convention of any available operational information concerning persons suspected of travelling abroad for the purpose of terrorism.

79. Aware that the foreign terrorist fighter phenomenon cannot be limited to a specific region, several European Union States continue to strengthen international cooperation beyond the borders of the European Union, in particular with States of origin or States neighbouring the conflict zone in the Syrian Arab Republic. Those efforts reflect the European Union's recognition of the cross-regional nature of foreign terrorist fighter movements.

(e) Countering incitement to commit terrorist acts

80. Article 5 of the Council of Europe Convention on the Prevention of Terrorism and article 3 (1) (a) of European Union Council Framework Decision 2008/919/JHA on combating terrorism require States parties and European Union member States, respectively, to criminalize public provocation to commit a terrorist offence.

81. The Council of Europe has compiled a list of good State practices on intercultural dialogue,[8] and the European Union and Belgium are co-funding a project entitled "Community policing preventing radicalization and terrorism", which recognizes that community police officers have an in-depth understanding of local communities. The project aims to sensitize and train community police officers to understand the process of radicalization, identify warning signs and prevent extremism from becoming violent. Guided by the European Union Counter-Terrorism Strategy and the European Union Strategy for Combating Radicalization and Recruitment to Terrorism, the European Commission set up the European Union-wide Radicalization Awareness Network in 2011. A good practice in the involvement of the private sector, the Network supports the Europe-wide exchange of experiences and best practices among practitioners, researchers and non-governmental organizations in direct contact with targeted individuals or groups vulnerable to incitement to commit terrorist acts motivated by violent extremism and intolerance. It also incorporates the collection of good practices.[9]

82. Many Western European States have adopted national action plans that engage a wide range of government authorities, as well as civil society organizations,

[8] See www.culturalpolicies.net/web/intercultural-dialogue-resources.php.

[9] See http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/ran-best-practices/index_en.htm.

religious authorities and the health sector, to address radicalization to terrorism and violent extremism at all levels of society, often focusing on youth and minorities, who appear to be particularly susceptible to incitement. Particular attention should be paid to the repressive approaches taken by some States. Such approaches can lead to further perceived exclusion of already marginalized groups, and the more inclusive model applied by other States may not conform to the criminalization and prosecution requirements of resolution 2178 (2014). Some States have also begun to systematically address the issue of returning foreign terrorist fighters, who may not only carry out attacks but also engage in radicalization, recruitment and incitement to commit terrorist acts.

83. Some States have successfully implemented measures to counter incitement to commit terrorist acts motivated by violent extremism and intolerance, including through the Internet. "Virtual" or "cyber" community policing (i.e. the open and interactive engagement of law enforcement officers on the Internet, especially on social media platforms, with the aim of preventing or reducing the risk of radicalization that may lead to terrorism) is considered good practice in several Western European States.

84. On 12 March 2015, the Council of Ministers agreed to establish, by 1 July 2015, the European Union Internet Referral Unit, which would include the existing "Check the web" initiative. Because the Unit is still at the development stage, it is too early to determine its efficacy. The Unit will be tasked with coordinating and flagging terrorist and violent extremist content online, carrying out and supporting Internet referrals in cooperation with the private sector, and providing strategic and operational analysis in support of national agencies. The Unit is being developed by Europol in cooperation with Member States, the Commission and other agencies.

E. Oceania/Americas: Australia, Canada, New Zealand, Trinidad and Tobago, United States of America

1. General threat assessment

85. All five States in the group are considered to be States of origin, and the threat posed by returning foreign terrorist fighters who may be prepared to commit terrorist acts is regarded as significant. In several cases, foreign terrorist fighters have already returned and present a potential security threat.[10] Since all five States embrace ethnic diversity as part of their national identity, they are well equipped at the policy level to introduce decisive measures that are sensitive to the needs and concerns of minority groups. The presence of returning and aspiring foreign terrorist fighters in some of those States may be evidence of a greater alienation within certain communities than was previously thought, which will likely inform longer-term policy measures, particularly in the area of community engagement. In addition, existing community engagement programmes are being tailored to recognize those individuals in the process of being radicalized to the point of violent extremism, including individuals belonging to traditionally marginalized groups that are considered particularly at risk. At least two States of the region have faced public protests against their rapid adoption of foreign terrorist fighter measures.

[10] Australia estimates that more than two thirds of Australians who returned from conflicts in Afghanistan and Pakistan subsequently became involved in activities of security concern.

86. Australia recently raised its national terrorism alert level from "medium" to "high". It estimates that 150 individuals have travelled to fight with ISIL and that 30 to 40 foreign terrorist fighters have returned to its territory. As at May 2015, the Government was investigating approximately 255 Australians who were either fighting with or supporting violent extremist groups. Some 100 were currently in Iraq, the Syrian Arab Republic and the region, and more than 155 were in Australia. More than 30 Australians have recently been killed in conflict zones.

87. Canada estimated in 2014 that about 130 people had left to participate in terrorist activity in Libya, Somalia, the Syrian Arab Republic, Tunisia and Yemen. The Government of Canada is aware of about 80 individuals who have returned to Canada after travelling abroad for a variety of suspected terrorism-related purposes. Some may have engaged in paramilitary activities and others may have studied in schools that promoted violent extremism, raised money or otherwise supported terrorist groups. In some cases, their travel was interrupted by financial issues, injuries or outside intervention, but the individuals concerned may attempt to travel again. Some travellers interested in violent extremism never achieved their goals and simply returned to Canada.

88. In New Zealand, the domestic threat level was recently raised from "very low" to "low". Government agencies have identified 30 to 40 people of concern and another 30 to 40 people who require further investigation. New Zealand has in place a range of policy measures, programmes and responses to further build resilient and inclusive societies through community strengthening initiatives.

89. The inclusion of Trinidad and Tobago in the group once again focuses attention on the particular threat to small States identified in the first report. In Trinidad and Tobago, approximately 40 adults have been identified as fighting abroad. They comprise approximately 24 men and 16 women. Moreover, approximately 30 children (18 boys and 12 girls) are also known to be fighting abroad and may eventually return to the Caribbean region. The potential threat posed to the Caribbean region's tourism sector is a serious consideration, since an attack in one State will inevitably have negative economic consequences for the others.

90. More than 180 Americans have travelled or have attempted to travel from the United States to the Syrian Arab Republic. The United States Department of Justice has filed criminal charges in almost 50 foreign terrorist fighter cases and often arrests aspiring fighters before they are able to leave. United States prosecutors have obtained a number of guilty pleas in those cases. More than 85 per cent of the cases have been against men, and fewer than 15 per cent are against women. Approximately 75 per cent of the defendants are 30 years of age or younger.

91. Considered on a per capita basis, the potential risks generated by returning foreign terrorist fighters determined to carry out terrorist acts in their home State appear to be proportionately high for small States. Approximately 1 in 19,100 citizens of Trinidad and Tobago have travelled recently as foreign terrorist fighters, compared with only 1 in 1.87 million United States residents. Nevertheless, a terrorist attack against a major United States city and an attack against Trinidad and Tobago's petrochemical industry, for example, could potentially be equally devastating to the local economies.

92. All five States are taking action to prevent travel to conflict zones. Most have significant capacity to implement resolution 2178 (2014), especially in information

sharing, border control, countering violent extremism, and cooperation among law enforcement at the national and international levels. One State has relatively limited capacity in law enforcement to prevent travel to conflict zones, owing to shortfalls in staffing, organization and inter-agency communication.

2. Regional analysis of Americas/Oceania

(a) Criminalization requirements of resolution 2178 (2014)

93. Three States of the group are among the very few States in the world that have recently passed legislation specifically aimed at tackling the foreign terrorist fighter phenomenon. One State introduced in 2014 legislative provisions that enable the Minister for Foreign Affairs to declare that a particular overseas locality is, in effect, a "no-go zone" and that citizens commit an offence by travelling there.

94. One State has introduced legislation that enables the Government to censor online conversations and allows the intelligence service to conduct disruption activities, in addition to intelligence gathering. It also facilitates information sharing among 17 federal institutions,[11] allows the police to preventively detain or restrict terror suspects and ban the "promotion of terrorism", authorizes the Public Safety Minister to add people to a "no-fly list" and enhances the powers of the intelligence service.

95. In December 2014, one State passed an omnibus law intended to clarify and amend existing provisions on the cancellation of passports and other measures, pending a review of the intelligence and security agencies planned for 2015. Because of the speed with which the law was passed and the provisional nature of the measures, the law, which was made available in draft form in a rapid public consultation process, nevertheless included a sunset clause, which will expire on 1 April 2017. This will allow the measures to remain in force while the Government considers other reforms and considers further the human rights impact of the measures. The Government decided against introducing new offences in the short term, concluding that the general criminal law and terrorism offences are sufficient to address foreign terrorist fighter-related offending at this time.

(b) Preventing inter-State travel by foreign terrorist fighters

96. Most of the five States surveyed have introduced passport control measures, such as passport confiscation, a transit visa requirement and an INTERPOL screening, to prevent the travel abroad of citizens and/or permanent residents who are thought to be potential foreign terrorist fighters. Australia, Canada and New Zealand have cancelled, suspended and revoked passports of foreign terrorist fighters to prevent their travel to conflict zones. Legislative efforts are also being made to extend the duration of passport confiscations. The recent change to the Passports Act 1992 of New Zealand enables the Minister of Internal Affairs to cancel the passports of foreign terrorist fighters for up to three years, instead of the previous 12-month period. Canada has passed a law allowing it to revoke the citizenship of dual citizens convicted in Canada or abroad of major crimes, including terrorism. The Minister for Foreign Affairs of Australia has cancelled 115 passports in connection with the conflicts in Iraq and the Syrian Arab Republic. A further 14 passports have been refused and 10 suspended.

[11] One of the priority issues identified in the first report (S/2015/338, annex); see sect. III.D.

97. Most States require transit visas for all travellers transiting through their territories. Furthermore, most States regularly upload the INTERPOL stolen and lost travel document database and utilize INTERPOL databases to support front-line officers.

98. One State has introduced unusual legislation, unprecedented in the subregion, to designate certain regions as "no-go zones" so that travel to those regions without a legitimate purpose constitutes a crime. There need be no intention to commit terrorist acts. The Ministry of Foreign Affairs has designated two Middle East regions. Exceptions to the provision include: entering the zone for the purpose of providing humanitarian aid; satisfying an obligation to appear before a court or other entity exercising judicial power; performing an official duty for the State, the Government of another State or the United Nations or its agencies; making a news report, where the individual is a professional journalist or an assistant to the journalist; making a bona fide visit to a family member; other purposes prescribed by regulation. The burden of proof lies with the defendant.

(c) Law enforcement

99. All States of the region have established specialized counter-terrorism units and institutional structures pursuant to resolution 2178 (2014). Other measures include legislation, training of law enforcement officials, programmes to reintegrate former foreign terrorist fighters, utilization of INTERPOL data and improvements in States' alert and response capacity to terrorist attacks. Although not all States have established a fusion centre specifically to centralize foreign terrorist fighter-related information, some have strengthened the legislative and intelligence attention response to the foreign terrorist fighter threat. One State plans to take steps to manage the return of foreign terrorist fighters, and a number of States have recently criminalized leaving or attempting to leave the State for the purpose of committing terrorist acts abroad.

100. Training in issues relating to foreign terrorist fighters is provided in all States, and some States have established international partnerships with other States. Most States have established channels for the exchange of information among agencies and across all levels of Government, local communities, the private sector and foreign partners to counter violent extremism.

101. Most States are introducing programmes to reintegrate and monitor former foreign terrorist fighters. Australia has introduced a strengthened programme to counter violent extremism that includes the reintegration of foreign terrorist fighters as a non-coercive effort to dissuade people from becoming involved in terrorist activity. The programme is complemented by a commitment of $6.2 million for a new federal police diversion team intended for returning foreign terrorist fighters and those who support them. New Zealand has a well-established policy of community policing, which the Committee identified as a good practice in the prevention of violent extremism during its visit in 2010. Most States are strengthening community policing to prevent and detect violent extremism and radicalization to terrorism. In investigating and prosecuting foreign terrorist fighters, the collection of admissible evidence from abroad is a common difficulty for all States. Most States of the group deploy liaison officers at their embassies in relevant States in order to enhance international cooperation.

(d) Countering violent extremism

102. All five States are committed to strengthening capacities to counter violent extremism and already have in place or are introducing various programmes to engage with and empower local communities and non-governmental actors in the development of strategies to counter the violent extremist narrative and prevent communities from radicalization to terrorism.

103. Australia has introduced various grants programmes to strengthen communities' resistance to violent extremism. For example, from 2011 to 2013, the Countering Violent Extremism Unit in the Attorney General's Department launched the Building the Community Resilience Grants Programme to fund projects that enhance community understanding of violent extremism and mentor youth. The Living Safe Together Grants Programme provides funding to promote organizational capacity to address radicalization.

104. Canada has established the Cross-Cultural Round Table on Security to coordinate dialogue between community leaders and government officials on national security issues. The Royal Canadian Mounted Police's National Security Community Outreach programme addresses the threat of radicalization leading to violent extremism in at-risk communities.

105. New Zealand works actively to enhance dialogue and broaden understanding among various cultural communities. Domestically, New Zealand engages directly across Government and with community leaders in identifying at-risk individuals and in developing pathways for them so as to prevent radicalization. The Government is continually reviewing its domestic approaches and actively developing ways to strengthen early intervention mechanisms. Internationally, New Zealand engages with the international community on the issue through a range of multilateral forums and continues to provide support to capacity-building projects in that area, both in South-East Asia through the Global Security Fund and in the Pacific through the Pacific Security Fund. Over the past year New Zealand has supported a range of projects in that space, including workshops, training programmes, threat assessments and reports, and prisoner rehabilitation programmes. New Zealand has also contributed to the Global Community Engagement and Resilience Fund, an initiative of the Global Counterterrorism Forum.

106. Trinidad and Tobago has implemented a campaign to help youth in low-income communities to resist the appeal of ISIL. In 2015, government officials publicly recognized the importance of educating children in the dangers of becoming foreign terrorist fighters. Australia is considering legislation aimed at criminalizing the act of advocating terrorism in a foreign State.

107. The Government of the United States of America has addressed issues associated with countering violent extremism at the highest level. In March 2015, President Obama hosted a White House summit aimed at examining the drivers and indicators of radicalization and recruitment to terrorism; countering extremist narratives; and community-led intervention (the Government of Australia hosted a similar high-level summit in June 2015 for the Asia-Pacific region). Domestically, the United States provides educational, technological and community engagement programmes for youth and women that highlight leadership development, conflict resolution skills and narratives from victims of terrorism and provides grants to United States embassies and consulates overseas to implement projects in local

communities. The Department of Homeland Security supports community policing initiatives taken by local, State and tribal governments.

(e) Internet and social media

108. The Internet and social media remain extremely vulnerable to terrorist exploitation. Terrorist groups increasingly use social media for incitement and recruitment purposes, and the five States, like other States, are vulnerable to online propaganda, incitement to commit terrorist acts, and recruitment of terrorist groups. Those States' responses to the threat focus on criminal activities that facilitate terrorism on the Internet and creating counter-narratives.

109. The Australian Communications and Media Authority regulates Internet content and is authorized to remove violent extremist materials. The National Security Legislation Amendment Bill (No. 1) 2014 enables the Australian Security Intelligence Organization to monitor computer networks and store content with one warrant. Australia is currently developing stronger data retention laws. For instance, proposed draft laws would require telecommunications companies to retain metadata on calls and Internet use. Moreover, the Government is acting beyond legislative and law enforcement measures to engage with communities and industry to promote counter-narratives, in particular by collaborating with social media firms, academia and civil society groups to research appropriate counter-messaging strategies.

110. The Anti-Terrorism Act, 2015, of Canada authorizes the Government to remove terrorist propaganda, including from sites hosted by Canadian Internet service providers. Those new measures are in line with existing provisions of the Criminal Code that authorize the seizure of material deemed criminal in nature, such as hate propaganda and child pornography. The Act also empowers the Canadian Security Intelligence Service to intercept private communications with closed-door judicial authorization.

111. The United States seeks to promote a greater understanding of its policies and actions, which focus on criminal activities online rather than suppression of objectionable speech, and to provide an alternative to terrorist and other violent extremist messages. For example, in an effort to combat terrorist narratives, in particular those of ISIL, the United States Center for Strategic Counterterrorism Communications counters violent extremist narratives on the Internet, including social media, on a daily basis.

112. States of the region actively cooperate with INTERPOL. International law enforcement cooperation on issues relating to foreign terrorist fighters has been strengthened, but gaps remain, and foreign terrorist fighter threat levels and State capacities vary. Some States of the region have strengthened their regulation of the Internet and social media and are taking steps to promote positive and influential messages that undermine the legitimacy of ISIL, Al-Qaida and other terrorist groups.

IV. Observations

113. The repercussions of several foreign terrorist fighter-related legal, policy and operational challenges identified and discussed in the present report transcend the imperative to tackle the foreign terrorist fighter phenomenon. The adoption of resolution 2178 (2014) has given renewed impetus to the efforts of the international

community to address a number of emerging international challenges, including how to monitor the Internet, how to engage in international cooperation in a digital age and how to develop public-private partnerships that can protect citizens without imposing unacceptable restrictions on their activities, including violations of their human rights, such as freedom of expression and the right to privacy.

114. Analysis of the five regions/subregions above reveals a number of common challenges and shortfalls that can be potentially addressed on a regional basis. It also shows that, despite the broad disparities in capacity from region to region, the major challenges are common to all.

115. The third report in the series, to be published in the coming weeks, will cover the Middle East, South-East Europe, South Asia, South-East Asia, the Sahel, South Caucasus and the Lake Chad Basin. It will also include evidence-based and risk-based recommendations on ways to address systemic shortfalls in all 78 affected States, providing a more detailed road map aimed at strengthening Member States' capacity to counter the foreign terrorist fighter threat.

Enclosure I

Methodology

A. Evidence-based approach

1. The survey was conducted by Counter-Terrorism Committee Executive Directorate experts using information acquired during the Committee's visits to States and other forms of dialogue with States, including responses to questions submitted directly to the States as part of the survey, as well as information gathered for completion of the detailed implementation survey and overview of implementation assessment prepared for each Member State. The Executive Directorate also wrote to all the States concerned requesting their input. The Committee recently visited Malta (October 2104), France (November 2014), Sri Lanka (November 2014), the Philippines (December, 2014), Mali (February 2015), Niger (February 2015), Turkey (February 2015), Cameroon (March 2015), Tunisia (March 2015), Uzbekistan (April 2015), Italy (May 2015) and Oman (May 2015). Future reports will include the outcomes of those and other visits.

2. The survey also draws on threat analysis provided in the course of the Executive Directorate's dialogue with its partners, including the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and other Security Council expert groups, the Council of Europe, the Financial Action Task Force, the International Organization for Migration, the International Criminal Police Organization and the United Nations Office on Drugs and Crime.

B. Risk management

3. In conducting the analysis, the Executive Directorate has for the first time adopted a risk-based approach aimed at facilitating capacity-building tailored to each State's perception of its own needs. The huge diversity of affected States, in terms of their size and population, and the nature of the various threats posed by foreign terrorist fighters to particular States, as well as States' relative capacities and vulnerabilities to address the threats, makes a "one size fits all" approach impractical.

4. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed template that might have little relevance to their situation. The size of a State alone is a simple yet crucial indicator that some counter-terrorism measures may be of more relevance than others. For example, the Executive Directorate's assessments have shown that large States have a greater need for sophisticated coordination mechanisms for domestic inter-agency data exchange than do small States, where meaningful information exchange at the operational level can be relatively easy to achieve.

5. Nevertheless, one of the great strengths of the Executive Directorate assessment process is its consistency. The same questions are asked of all States. This has the benefit of allowing rigorous yet granular conclusions to be drawn on a regional and global basis in accordance with agreed criteria. The Executive Directorate is developing, in the reports, a methodology that preserves the impartiality of the assessment process while allowing for the development of a tool that can provide practical answers for individual States on how to proceed: a proposed road map that will enable States and their international partners to build

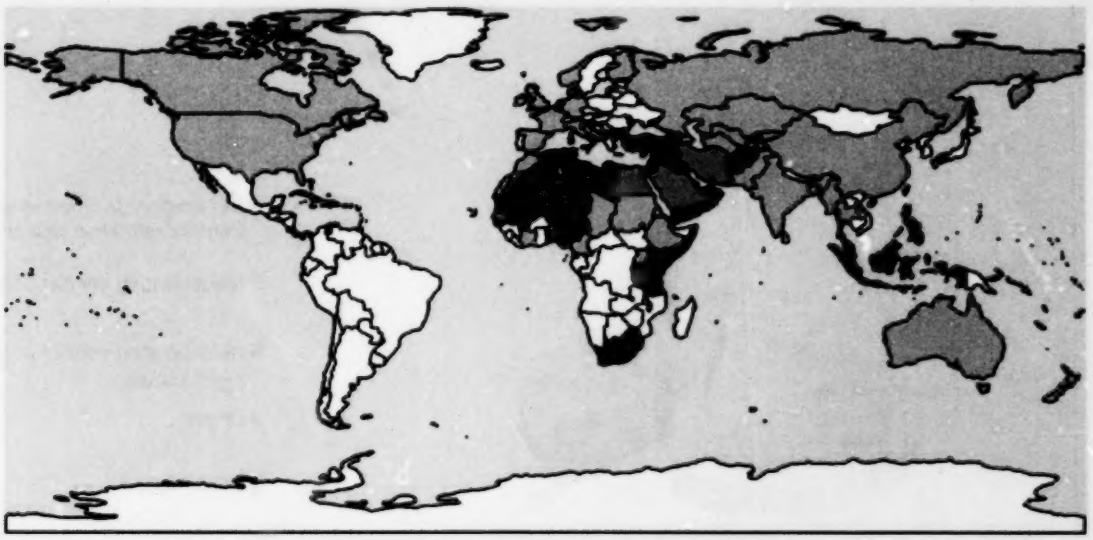
capacity in a meaningful way. The Committee already prioritizes certain steps in its reports on its visits to States. The intention here is to develop and implement that approach in a more systematic way.

6. In order to prioritize their conclusions, Executive Directorate experts cross-referenced findings about the implementation of specific measures, ranked on six levels from "yes" to "no information", with a "priority" rating ranked on three levels: low, medium and high. The concept of "priority" is intended to indicate how important the particular measure is for the security of the State. During its country visits, the Committee makes priority recommendations tailored specifically to States' particular circumstances. The addition of the "priority" rating is proving to be an effective approach that will help States to implement a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further over the coming months.

7. Some of the figures included in the reports also feature accumulated data that combine the "implementation" rating and the "priority" rating. This has the benefit of offering visual clarity, although some of the most revealing data are obscured. The non-accumulated figures, therefore, offer a more granular approach.

Enclosure II

Foreign terrorist fighters map[a]



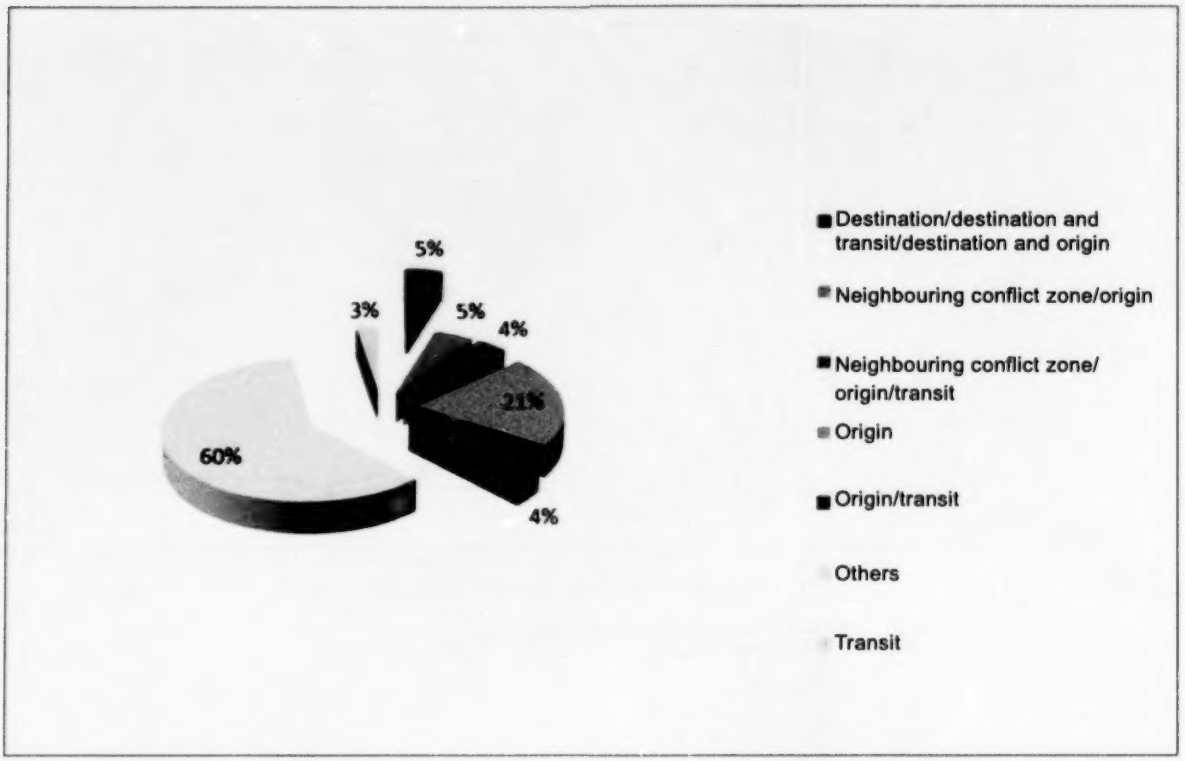
- Destination/destination and transit/destination and origin
- Neighbouring conflict zone/origin
- Neighbouring conflict zone/origin/transit
- Transit
- Origin
- Origin/transit
- Others

Note: Some of the borders do not reflect United Nations borders. The map is generated by a programme to simply illustrate the general overview of affected Member States.

[a] The tenth preambular paragraph of Security Council resolution 2178 (2014) states that foreign terrorist fighters may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active. The map shows which Member States are considered to be States of origin, transit States, States neighbouring conflict zones or States of destination. Some States of origin also serve as transit States. This is particularly true, for example, for such regions as Europe or Central Asia, where the travel routes of foreign terrorist fighters often lie through one or more neighbouring States.

Enclosure III

Foreign terrorist fighter ratios by State



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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/11 and Security Council resolution 2210 (2015), in which I was requested to report every three months on developments in Afghanistan.

2. The report provides an update on the activities of the United Nations in Afghanistan, including significant humanitarian, development and human rights efforts, since the issuance of my previous report of 10 June 2015 (A/69/929-S/2015/422). It also provides a summary of key political and security developments and regional and international events related to Afghanistan.

II. Relevant developments

3. During the reporting period, positive developments supportive of a possible peace and reconciliation process, notably, the holding of direct talks between the Government of Afghanistan and the Taliban, ultimately gave way to increased uncertainty following the announcement of the death of the Taliban leader, Mullah Mohammad Omar. The Special Electoral Reform Commission commenced its work and presented an initial package of recommendations to President Ashraf Ghani and Chief Executive Abdullah Abdullah, while additional efforts were undertaken by the Government to further develop its economic reform agenda and finalize senior appointments. Afghanistan continues, however, to face intersecting challenges across the political, security and socioeconomic sectors that pose threats to the population and the country's social cohesion. The sustained conflict, which grew in both intensity and geographic scope, continued to result in significant casualties and displacement among Afghan civilians, as the Afghan National Security Forces sought to counter the efforts of insurgent groups to undermine the Government.

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A. Political developments

4. In a positive development in support of peace, representatives of the Government of Afghanistan and the Taliban held their first official, direct talks, in Murree, Pakistan on 7 July, facilitated by the Government of Pakistan. China and the United States of America attended the meeting as observers. The delegations from the Government of Afghanistan and the Taliban discussed issues pertaining to peace and reconciliation and pledged to meet again as part of a continuing process. The meeting in Murree followed a series of informal meetings between various Afghan officials and Taliban representatives in other countries throughout May and June. The Murree talks were widely welcomed, although reaction among some Afghan political stakeholders was more guarded, with concerns expressed over the intentions of the Taliban delegates and their capacity to represent the entire movement. A subsequent statement issued by the Taliban on 15 June, in the name of Mullah Omar, stressed that "political endeavours and peaceful pathways" were legitimate under Islam and was perceived at the time as a softening of the movement's position on a peace process.

5. However, on 29 July, the Government of Afghanistan publicly proclaimed that the Taliban leader, Mullah Omar, had died in April 2013, in Pakistan. The next day, a Taliban representative confirmed Omar's death "as a result of an illness", but without providing further details, and announced Mullah Akhtar Mohammad Mansoor, Omar's deputy since 2010, as his successor. Sirajuddin Haqqani, the son of the founder of the Haqqani Network, Jalaluddin Haqqani, was announced as Mansoor's deputy along with the Taliban's former Chief Justice, Haibatullah Akhunzada. As a result of these events, a second meeting between Government and Taliban emissaries, scheduled for 31 July in Pakistan, was postponed and has yet to be rescheduled. In his first public message as the new Taliban leader, Mullah Mansoor released a statement on 1 August calling for Taliban unity and continued jihad, while characterizing reports of a peace process as enemy propaganda.

6. Following the announcement of Mullah Omar's death, rifts within the Taliban leadership emerged, with opposition to the appointment of Mullah Mansoor evident from a number of prominent Taliban figures, notably including relatives of Mullah Omar and Sayed Tayyeb Agha, the head of the Taliban Political Commission in Qatar, who subsequently resigned his position in apparent protest. This opposition notwithstanding, a significant number of Taliban members pledged their allegiance to Mullah Mansoor as leader of the Taliban and on 13 August, the leader of Al-Qaida, Ayman al-Zawahiri, did so as well.

7. Since my previous report, the Government has appointed two more senior officials. On 8 July, the lower house of the National Assembly confirmed a new Governor of the Central Bank and one of two nominees for the Supreme Court. The confirmed nominee, Sayed Yusuf Halim, was sworn in as Chief Justice on 27 July. The second Supreme Court candidate and first woman nominee for a seat on the Supreme Court was rejected. On 4 July, the lower house of the National Assembly also rejected the Government's nominee for Minister of Defence, Mohammad Masoom Stanekzai. The latter was appointed as acting Minister on 23 May and has continued to operate in that capacity. Other key positions that remain to be filled and require confirmation by the lower house include the Attorney General and two Supreme Court judges. The National Assembly rose for summer recess on 22 July and will reconvene on 6 September. An additional 11 provincial governors were

appointed during the reporting period, for a total of 23 out of 34 provincial governor appointments in 2015, including two women.

8. On 19 June, the Office of the President announced that the lower house of the National Assembly would continue its work until the next parliamentary elections. The term of the lower house was otherwise set to expire on 22 June, in accordance with the Constitution. In meetings with President Ghani, the Independent Election Commission suggested two possible dates for holding lower house and district council elections, in May or September 2016, but no announcement has yet been made. With no clear election date set, and following the scaling down of international donor funding for the Afghan electoral management bodies as detailed in my previous report, the Independent Election Commission reduced staff from 911 to 504 and secured funding through the Ministry of Finance to maintain core capacities. Possible changes in staffing and funding for the Independent Electoral Complaints Commission are being considered by the Government.

9. Some progress has been made on the issue of electoral reform as agreed between President Ghani and Chief Executive Abdullah in the 21 September agreement to form a National Unity Government. After the President and the Chief Executive reached agreement on its composition, chairmanship and operational modalities, a Special Electoral Reform Commission was re-established by presidential decree on 16 July. The Commission is composed of 14 members and has a three-month, renewable mandate to make recommendations to the Government on electoral reform. My Deputy Special Representative, Tadamichi Yamamoto, represents the United Nations as a non-voting member of the Commission, sitting in an advisory capacity.

10. On 30 August, the Special Electoral Reform Commission presented its initial package of recommendations to Chief Executive Abdullah, focusing on reforms for the next elections. After intensive, five-week deliberations, the Commission recommended changes to Afghanistan's electoral system and electoral management bodies, in addition to the invalidation of all existing voter registration cards and the creation of a country-wide voters list. During the course of its work, the Commission has undertaken a broad consultation process both in Kabul and key provincial capitals, meeting with a wide range of stakeholders, including political parties, prominent political figures, provincial authorities, civil society, religious leaders and international organizations working on electoral issues in Afghanistan. The United Nations has provided expert advice to the Commission, based on international best practices, and has facilitated some of the Commission's external consultations, including its provincial visits.

11. In accordance with President Ghani's instruction to the Cabinet on 23 April, all ministries and executive branch bodies presented 100-day strategies during the reporting period, with the exception of the Ministry of Defence. Collectively, the strategies reflect the Government's reform agenda, with many presented publicly in order to demonstrate the Government's commitment to transparency and accountability. On 28 June, the President's Special Representative on reforms and good governance, Ahmad Zia Massoud, presented his report on proposed administrative reforms and offered recommendations to promote capacity-building in the areas of anti-corruption, political participation and the civil service.

12. Nevertheless, nearly a year after its establishment, the National Unity Government faces considerable domestic political pressure, exacerbated by the

difficult security and economic situation. Critics of the current administration have included former President Hamid Karzai, several of his associates and a number of mujahideen leaders, all of whom have expressed their disagreement with President Ghani's outreach to Pakistan, specifically a memorandum of understanding reportedly concluded in May between the Afghan National Directorate of Security and the Pakistani Inter-Services Intelligence. On 14 July, President Ghani met with the former President to explore grounds for future cooperation.

13. The United Nations Assistance Mission in Afghanistan (UNAMA) launched four initiatives focused on promoting inclusive Afghan-owned and -led dialogue in Baghlan, Bamyan, Daykundi and Kunduz Provinces. The initiatives were focused on engagement with local *ulema* and resulted in recommendations to support the latter's role in local mediation efforts and conflict resolution mechanisms to address drivers of conflict. *Ulema* involved in each of the initiatives called upon the Government to strengthen linkages between local and national level reconciliation efforts. On 15 July, participants in the Afghan People's Dialogue on Peace, a civil society initiative supported by UNAMA, welcomed the dialogue between Government officials and representatives of the Taliban and called for a cessation in hostilities and practical steps to reduce the impact of the conflict on civilians. They also asked the parties to consider the needs of the people, including women and young people, in any negotiations.

B. Security

14. Incident levels remained relatively consistent throughout the period, although the overall numbers show a 4.6 per cent decrease compared with the same period in 2014. However, the sustained conflict grew in both intensity and geographic scope. There was furthermore a noticeable spike in high-profile incidents in Kabul following the confirmation of the death of Mullah Omar and reports of internecine fighting among anti-Government elements in several areas.

15. The United Nations continued to monitor security-related events relevant to the work, mobility and safety of civilian actors and having the potential to affect the delivery of mandated activities and programmes. Between 1 May and 31 July, the United Nations recorded 6,096 security-related incidents across the country. This represented a 4.6 per cent decrease compared with the same period in 2014, which included the second round of the presidential election, while being consistent with the records for the same period in 2013. Geographically, the spread of the conflict has focused largely in the north-eastern regions around Kunduz, Badakhshan and Badghis Provinces, in the north-west towards Faryab Province, in the south-east region of Nangarhar Province and in the south, including Hilmand Province. The majority of incidents were reported in the southern and eastern parts of the country, with the provinces of Kandahar, Nangarhar, Ghazni, Hilmand and Kunar accounting for 44.5 per cent of all security incidents during the reporting period. During the Ramadan period and subsequent Eid al-Fitr festivities, the number of security incidents was the second highest on record for the holy month since 2003, reflecting the absence of any significant reduction in violence, as had occurred in previous years, despite calls by Afghan religious and political leaders and the United Nations to anti-Government elements for a cessation of violence.

16. The reporting period was notable for the concerted effort expended by anti-Government elements to capture and hold district centres in a number of provinces. These efforts resulted in the capture of seven district centres, a significantly larger number than in previous years, and of which five were subsequently recaptured by the Afghan National Security Forces. However, several of the centres captured by anti-Government elements were under their control for extended periods of time, allowing them to claim significant propaganda and materiel gains. The Afghan security forces mounted a series of counter-offensives and clearance operations throughout contested areas during the reporting period. This included a large-scale operation in Nangarhar in May that appears to have contributed to a lower level of incidents around Jalalabad City, as well as additional operations targeting key districts in the province during August. Further operations also took place in Hilmand, Ghor and Faryab during the period. While Afghan security forces retained control in the overwhelming majority of district centres across the country, anti-Government elements and other illegally armed groups continued to intimidate the population in many rural areas.

17. Although these attacks indicate the intent of the anti-Government elements to make territorial gains, particularly in more isolated rural areas, the capability of the Afghan security forces has largely prevented the consolidation of any significant gains and no provincial capitals have fallen to the insurgents. However, the Afghan security forces continue to face challenges, including reinforcing or resupplying units in remote areas. Concerns about the ability of the Afghan security forces to counter anti-Government elements led to calls for the establishment of pro-Government militia groups, or so-called local defence forces, particularly by former mujahideen leaders. UNAMA has registered a significant increase in such reports since May; in the reports it is indicated that pro-Government militia groups are being established or reinforced in the northern, western and southern regions.

18. Overall, incident trends remained unchanged, with armed clashes accounting for the majority of security incidents (53 per cent), followed by improvised explosive devices (26 per cent). Attempts by anti-Government elements to exert influence through fear and intimidation resulted in a continued high level of targeted killings. In the reporting period of 1 May to 31 July, 291 assassinations and attempted assassinations were recorded, an 11.4 per cent increase compared with the same period in 2014. Anti-Government elements also continued to undertake high-profile attacks in the country's capital and in provincial capitals. Although they ostensibly targeted the Government and international forces, the brunt of the attacks continued to be borne by civilians. Significant attacks in the first part of the reporting period included one on the National Assembly on 22 June and attacks on international military convoys in Kabul on 30 June, 7 July and 22 August, as well as suicide attacks on Afghan military and Government targets in the provincial capitals of Kandahar (25 May), Jalalabad (31 May), Lashkar Gah (30 June) and Khost (12 July). Following the announcement of the death of Mullah Omar, the city of Kabul experienced a string of attacks between 7 and 10 August, including suicide attacks in the vicinity of an Afghan National Army base, the police academy, an international military base and Kabul International Airport, which resulted in over 55 individuals killed and over 330 injured.

19. The period witnessed a significant increase in reports of intra-insurgent violence between the Islamic State in Iraq and the Levant (ISIL) and its affiliates with the Taliban. The most significant clashes were reported in Nangarhar Province,

where 48 incidents were reported during the period from May to July, resulting in significant casualties on both sides and displacement among the local population. The clashes were alleged to have centred around disputes about ideological authority as well as financial control of lucrative cross-border smuggling routes. Air strikes conducted by international forces were reported to have killed several senior local ISIL figures in the province. Similar clashes were also noted in Farah Province during May, albeit on a significantly lower scale. The majority of alleged ISIL-affiliated fighters appear to be drawn from disaffected former members of the Afghan Taliban, Tehrik-eTaliban Pakistan or groups previously associated with Al-Qaida, such as the Islamic Movement of Uzbekistan. The bitter confrontation between ISIL and its affiliate groups with the Taliban was evidenced in propaganda and violent retaliation directed at each other by the two parties during the reporting period.

20. During the reporting period, a total of 26 recorded security incidents were either directly or indirectly aimed against the United Nations. Most of the incidents were directed towards United Nations staff members and included criminal acts and intimidation. Additionally, two road missions were targeted in Balkh Province (2 May) and Paktya Province (13 July). Regretfully, in the latter instance, one officer from the Afghan Diplomatic Protection Service escorting the United Nations road mission was killed and three others were wounded when their vehicle was hit by a remote-controlled improvised explosive device. No casualties or damage to United Nations personnel or assets were reported.

C. Regional cooperation

21. The Government of Afghanistan continued its engagement with regional partners throughout the reporting period. Chief Executive Abdullah attended the High-level International Conference on the Implementation of the International Decade for Action, "Water for Life", 2005-2015, held in Dushanbe on 9 and 10 July, stressing that Afghanistan was ready for constructive collaboration on regional water issues. On the margins of the conference, he discussed security issues and economic connectivity in bilateral meetings, including with President Emomali Rahmon and Prime Minister Qohir Rasulzoda of Tajikistan and with the Secretary-General. On 14 July, President Ghani welcomed the signing of the Joint Comprehensive Plan of Action between the Islamic Republic of Iran and the E3/EU+3 as an opportunity to strengthen peace, stability and economic cooperation in the region. Afghanistan hosted two preparatory meetings for the sixth high-level ministerial meeting of the Regional Economic Cooperation Conference for Afghanistan, to be held in Kabul on 4 September.

22. The reporting period saw evidence of efforts to strengthen ties between Afghanistan and Pakistan, as well as continued challenges to the bilateral relationship. In early June, a letter alleged to be from President Ghani to Pakistani authorities was leaked to the press, in which a number of demands with regard to Pakistan preventing Taliban operations and supporting a peace process were made. Additional tension was created by renewed security incidents along the border, many involving cross-border indirect fire, which prompted both countries to lodge official protests. The leaders of Afghanistan and Pakistan still continued to pursue constructive engagement, with particular regard to the peace process. Pakistan's emergence as a broker in formal talks between the Government of Afghanistan and

the Taliban facilitated improved relations during the month of July following the successful convening of talks in Murree. However, the above-mentioned deadly attacks in Kabul, which coincided with the emergence of a new Taliban leadership in early August, led President Ghani to express public criticism of Pakistan and to call for urgent action by Pakistan against the Taliban, in particular to prevent the use of its territory to prepare Taliban operations. Amidst growing negative sentiment towards Pakistan in Afghanistan, on 13 August, President Ghani dispatched a high-level delegation to Islamabad to discuss improved security cooperation with Pakistani counterparts. Pakistan condemned the attacks and offered condolences, emphasizing its commitment to joint efforts to tackle terrorism. It also sought the collaboration of the Government of Afghanistan to avoid public denunciations of Pakistan.

23. Central Asian States and the Russian Federation continued to express concern at the spread of violent extremism from Afghanistan. At a high-level conference on the theme "Security and Stability in the Shanghai Cooperation Organization Region", held in Moscow on 4 June, participants expressed support for Afghanistan's efforts to establish a peaceful, stable and prosperous State. At the Heads of State Council meeting of the Shanghai Cooperation Organization held in Ufa, Russian Federation, on 9 and 10 July, President Ghani called for enhanced regional cooperation to address collective security challenges, stressing that terrorists were using Afghan territory to destabilize the region. President Xi Jinping of China echoed President Ghani's plea, as Afghanistan's neighbours announced that they would strengthen their borders with the country.

24. Regional efforts to enhance North-South energy connectivity, which have an impact on Afghanistan, gained momentum after separate visits to Central Asia by Prime Minister Nawaz Sharif of Pakistan in late May, and Prime Minister Narendra Modi of India in early July. The two leaders and their interlocutors committed to expediting regional energy projects. Prime Minister Modi and President Gurbanguly Berdimuhamedov of Turkmenistan pledged to accelerate the Turkmenistan-Afghanistan-Pakistan-India natural gas pipeline. Pakistan's Prime Minister, President Emomali Rahmon of Tajikistan and President Almazbek Atambayav of Kyrgyzstan also expressed a commitment to fast-track the Central Asia-South Asia CASA-1000 hydroelectricity project. On 7 August, the steering committee selected Turkmenistan's state gas company, Turkmengaz, as the leader of the consortium to implement and operate the pipeline project.

III. Human rights

25. On 5 August 2015, UNAMA issued the midyear report on the protection of civilians in armed conflict covering the period from 1 January to 30 June 2015. UNAMA documented 4,921 civilian casualties (1,592 deaths and 3,329 injured), a 1 per cent increase in total civilian casualties compared with the same period in 2014. The vast majority of civilian casualties (90 per cent) resulted from ground engagements, improvised explosive devices, complex and suicide attacks and targeted killings. Anti-Government elements remained responsible for the largest proportion of total civilian casualties, at 70 per cent, with pro-Government forces responsible for 16 per cent (Afghan security forces and pro-Government groups 15 per cent and international military forces 1 per cent), and 10 per cent could not be attributed to a specific party, mostly occurring from crossfire incidents in ground

engagements. Four per cent of civilian casualties were attributed to explosive remnants of war. Ground engagements followed by improvised explosive devices remained the leading causes of civilian casualties, despite 19 and 21 per cent reductions in civilian casualties respectively from each tactic compared with the same period in 2014. The 1 per cent increase in total civilian casualties was driven by a 78 per cent increase in civilian casualties from complex and suicide attacks and a 57 per cent increase in civilian casualties from targeted killings. It was noted in the report that, compared with the same period in 2014, there had been a 60 per cent increase in civilian casualties caused by pro-Government forces, totalling 796 civilian casualties (234 civilian deaths and 562 injured); the establishment and implementation of a national-level policy on civilian casualty mitigation and prevention was recommended. It was also recommended in the report that both anti-Government elements and pro-Government forces cease the use of schools, hospitals and clinics for military purposes. On 11 August, the Afghan Independent Human Rights Commission issued its annual report on the situation of human rights in Afghanistan for the solar year 1393 (20 March 2014 to 19 March 2015), which included trends and statistics on civilian casualties that were largely consistent with the UNAMA 2014 annual report on civilian casualties in armed conflict.

26. Between 1 May and 31 July 2015, UNAMA documented 2,985 civilian casualties (934 killed and 2,051 injured), reflecting a decrease of 13 per cent from the same period in 2014. The decrease during this period may stem from the fact that during the same period in 2014, UNAMA documented a sharp increase in civilian casualties linked to attacks on the electoral process, in particular during the second round of presidential elections held on 14 June 2014. During the current reporting period, 69 per cent of civilian casualties were attributed to anti-Government elements, 18 per cent to pro-Government forces (16 per cent to Afghan National Security Forces, 1 per cent to pro-Government militia and 1 per cent to international military forces) and 10 per cent to unattributed crossfire between pro-Government forces and anti-Government elements. Three per cent of civilian casualties, resulting mostly from explosive remnants of war, could not be attributed. Ground engagements continued to be the leading cause of civilian casualties, accounting for 985 civilian casualties (262 deaths and 723 injured), followed by improvised explosive devices.

27. UNAMA noted its concern about the continued suicide and complex attacks by the Taliban and other anti-Government elements in civilian-populated areas throughout the reporting period. On 25 May, the Taliban detonated a suicide vehicle-borne improvised explosive device outside the Zabul Provincial Council building, wounding 79 civilians, including 30 women and 2 children. On 30 June, the Taliban conducted a complex attack targeting the Afghan National Police in Lashkar Gah city, Hilmand Province. The attackers killed 5 civilians and injured another 62. Three attacks on 7 August caused 355 civilian casualties (42 deaths and 313 injured), representing the highest number of civilians killed and injured in one day since UNAMA began systemically recording civilian casualties in 2009. In one of the attacks, a suicide vehicle-borne improvised explosive device detonated in the Shah Shahid area of Kabul city, killing 15 civilians and injuring 283 others. The Taliban claimed responsibility for each of the aforementioned attacks, but issued a statement explicitly denying responsibility for the attack on the Shah Shahid area.

28. Between 1 May and 31 July 2015, the United Nations-led country task force on monitoring and reporting documented and verified 379 incidents resulting in 785

child casualties, including 220 children killed and 565 children injured. Ground engagements killed or injured at least 391 children; this was the leading cause of death, accounting for 49.8 per cent of all child casualties. Incidents involving improvised explosive devices used by anti-Government elements caused 180 child casualties (22.9 per cent). Overall, anti-Government elements were responsible for 365 (or 46.5 per cent) of all child casualties and pro-Government forces caused 203 casualties (26 per cent). In assessing the year to date, the number of documented child casualties has increased in 2015, with the number of casualties verified between 1 April and 30 June the highest recorded since the monitoring and reporting mechanism was established in Afghanistan in 2009. Further, there was a significant increase in attacks against schools and related personnel between 1 April and 30 June compared with the previous three months, increasing from 15 to 52 incidents, of which 40 were verified with 33 attributed to anti-Government elements. Reports of the recruitment of children by armed forces were received during this period, with five verified incidents, three of which were attributed to the Taliban and two to the Afghan security forces.

29. On 30 June, President Ghani launched Afghanistan's National Action Plan on Security Council Resolution 1325 (2000) on Women and Peace and Security for 2015-2022. The national action plan enshrines the Government's pledges for strategic interventions towards the increasing role of women in the areas of participation, protection, prevention, and relief and recovery, the four pillars of resolution 1325 (2000). The launch of the plan marked the culmination of a year-long consultative and technical process, supported by the United Nations, to create a framework that ensures the participation of women in the ongoing peace process at the national and subnational levels. On 16 June, the United Nations launched its HeforShe global campaign with a high-level event in Kabul under the slogan "A Brave Man Stands for Women". Male keynote speakers highlighted the need for men to support gender equality and the empowerment of women and noted that, despite the progress made since 2001, gender equality continues to be a major challenge. The Ministry of Women's Affairs launched its 100-day plan on 1 June, which included technical support from the United Nations. Key aspects of the plan include the launch of the National Strategy for the Elimination of Violence Against Women and the Women's Economic Security and Rights Strategy, as well as the revision of the indicators for the National Action Plan for the Women of Afghanistan (2008-2018).

30. Following the verdict and sentencing of the persons accused of complicity in the murder of a 27-year-old woman by a crowd in Kabul on 19 March, the prosecutor and all those convicted lodged appeals in the Kabul Appellate Court. On 30 June, the Appellate Court rendered its decision, upholding all verdicts, except the convictions of one civilian and two police officers. The Court also upheld all prison sentences, but substituted the death sentence imposed on four defendants with lengthy prison terms. Further appeals have been lodged by all parties with the Supreme Court.

31. In line with the National Action Plan on the Elimination of Torture, on 4 May, the Government of Afghanistan established an implementation working committee comprising senior members of relevant Government institutions, the Afghanistan Independent Human Rights Commission and a representative of civil society. On 25 June, the National Directorate of Security issued an order reiterating the

prohibition of torture, in particular the use of torture during interrogation to obtain a confession.

IV. Implementation of the Kabul process and coordination of development assistance

32. The senior officials meeting, agreed at the London Conference and centred upon the Government's reform agenda, was held on 5 September in Kabul and hosted by the Government of Afghanistan. Earlier, at the 21 May meeting of the International Contact Group, participants agreed that the senior officials meeting should reaffirm the principles of the development partnership, including mutual accountability, and present a renewed mutual accountability framework incorporating the Government's reform agenda. Work on the renewed framework continued in parallel with other Government-led processes, including the preparation of a report on the progress of ongoing reforms, the consolidation of national priority programmes, public presentations of the 100-day plans of Executive Branch ministries and bodies and a technical review of the Government's approach to public financial management reform.

33. The Government continued implementing the economic reform measures that were agreed with the International Monetary Fund (IMF) through the staff-monitored programme on 2 June. The measures include structural benchmarks and measures designed to improve banking sector performance and domestic revenues. The Ministry of Finance is leading the measures to improve domestic revenue performance and reported collecting approximately $829 million in domestic revenue during the first six months of the fiscal year, representing an increase of 9.9 per cent over the previous year. President Ghani also reaffirmed the Central Bank's independence during the investiture ceremony of the Central Bank Governor on 13 July. Progress on the staff-monitored programme is expected to be assessed during the first review, which the Government and IMF have planned to conduct in the second half of the fiscal year.

34. During the reporting period, the Ministries of Finance and Economy and the Independent Directorate of Local Governance, together with line ministries that operate sub-nationally, took further steps to implement the Government's reform agenda pledge to decentralize 40 per cent of the development budget. The institutions prepared draft policy recommendations to implement a more participatory and decentralized development planning and budgeting approach, which will be presented to the Cabinet for its deliberations. The Independent Directorate of Local Governance presented its 100-day plan on 27 June, which prioritized the delegation of authority and resources to the subnational level.

35. The Government continued efforts to promote the rule of law and address corruption. Following his appointment by President Ghani on 27 July, the Chief Justice of the Supreme Court commenced work on a series of reforms. Initial discussions led by the Chief Justice centred on prioritizing reforms to enhance the transparency of court decisions and actions; strengthen anti-corruption measures; improve access to justice; increase training for judicial officers; and strengthen the independence of the judiciary. During the reporting period, the Attorney General's Office continued efforts to prosecute the persons involved in the collapse of the Kabul Bank. The Attorney General's Office announced the arrest of two members of

the Kabul Bank Clearance delegation on 25 June, measures to freeze assets and impose travel bans on an additional 155 individuals on 6 July and the arrest on 27 July of two Kabul Bank debtors at the airport who were attempting to leave the country. In June and August, the Independent Joint Anti-Corruption Monitoring and Evaluation Committee issued three "vulnerability to corruption" assessments covering the payment system for martyrs and persons disabled by conflict, investigation processes linked to the Elimination of Violence Against Women Law and the registration of official documents in the judicial system. From 1 to 5 June, a joint meeting was convened between anti-corruption experts of Afghanistan and two reviewing countries to conduct a mandatory review of Afghanistan's implementation of the United Nations Convention against Corruption.

36. During the reporting period, the Ministry of Interior established a General Directorate for International Cooperation, completing the transfer of the Secretariat of the International Police Coordination Board to the Ministry of Interior. This is an important step in the Government's efforts to ensure ownership of the institutional development of the police and the coordination of funds from international partners. Further, since the Ministry of Interior adopted police women councils as a national strategic approach on 9 December 2014, progress towards their establishment has continued, with 23 established during the reporting period. As at 20 August, there were 75 police women councils, 45 of which are in Ministry of Interior directorates and Kabul police districts, and 30 in the provinces.

37. On 30 June, the Ministry of Interior approved an 18-month extension of the Law and Order Trust Fund for Afghanistan with the United Nations Development Programme. Responding to policy guidance from President Ghani, the project will support capacity-building in the Ministry of Interior. The Trust Fund will channel approximately $843 million to the Ministry of Finance for the salaries of over 150,000 police and $38 million to provide capacity development and related support to broader security and justice reform.

V. Humanitarian assistance

38. The ongoing conflict between Government forces and insurgent and international terrorist-associated networks led to significant population displacements and increasingly affected civilians during the reporting period. The continued expansion of the conflict from the south and south-east to northern Afghanistan has created challenges for the provision of assistance by humanitarian actors, particularly given that many of those displaced by the conflict are located in areas rendered inaccessible to humanitarian agencies owing to ongoing hostilities.

39. Conflict-induced displacement continues to rise significantly in almost all regions, triggered by insurgent and international terrorist-associated networks and counteroffensives from the Afghan National Security Forces. As at 30 June 2015, the Task Force on Internally Displaced Persons reported 103,000 individuals as displaced by conflict during 2015. This represents a 77 per cent increase compared with the same period in 2014. The highest number of displaced (37,523 individuals) was recorded in Kunduz Province. Displacement was also triggered by clashes in eastern Afghanistan between the Taliban and other groups declaring their allegiance to ISIL. From 1 May to 30 June, the United Nations and its humanitarian partners assisted approximately 259,160 conflict-displaced persons with an estimated 3,634

metric tons of food assistance. The United Nations has commenced preparations to support persons displaced by the conflict during the winter period.

40. From 15 May to 31 July, 25 out of 34 provinces were affected by extreme weather, including flooding owing to snow melt, river bank erosion and heavy rains. A total of 19 people were reported killed and 13 injured, with 1,200 houses destroyed and 1,400 houses damaged. A total of 18,160 individuals were affected by these natural disaster incidents, including as many as 6,100 individuals displaced from their homes, and were assisted by the Afghanistan National Disaster Management Authority and humanitarian agencies. During the months of May and June 2015, the United Nations supported 16,135 people affected by natural disasters across the country with 425 metric tons of food.

41. Polio eradication efforts continued to face access challenges in southern and eastern Afghanistan, as well as in the south-eastern and western regions. From May to early August, the United Nations and relevant stakeholders met to secure the resumption of the vaccination campaign in Kandahar Province, where over 523,000 children under five years of age had been deprived of polio vaccinations. The vaccination campaign resumed in Kandahar Province on 23 August. Since the previous report, seven new cases of polio have been confirmed in Afghanistan, increasing the total for 2015 to eight cases. Five of the new cases were confirmed in the western provinces of Farah and Herat and are genetically linked with the polio virus strain endemic to Kandahar Province. Between 1 May and mid-August, two rounds of National Immunization Days and three rounds of subnational immunization days were held. The National Immunization Day campaigns are aimed at vaccinating approximately 9 million children.

42. Tripartite Commission meetings were held in Kabul on 21 August with Afghanistan, Pakistan and the Office of the United Nations High Commissioner for Refugees (UNHCR) and on 17 August with Afghanistan, the Islamic Republic of Iran and UNHCR. At those meetings, the planning process for the voluntary, safe, dignified and gradual repatriation of Afghan refugees and the continued management of the refugee populations in Pakistan and the Islamic Republic of Iran was continued. A group called the Friends of the Solutions Strategy for Afghan Refugees was formed in Kabul on 16 June, comprising donors, development stakeholders, United Nations agencies, non-governmental organizations and representatives of the Governments of Afghanistan, Pakistan and the Islamic Republic of Iran. The country portfolio of the Solutions Strategy for Afghan Refugees, consisting of a range of reintegration and development projects from multiple agencies, was recently revised. The country portfolio includes projects, activities and financial requirements for the implementation of the strategy. The High Commission on Migration, chaired by President Ghani, held its first meeting on 22 June. It was agreed that the Subcommittee of the Council of Ministers would be responsible for implementing policy decisions through relevant line ministries. UNAMA, UNHCR and the International Organization for Migration (IOM) will provide support to the Commission's secretariat.

43. The number of undocumented Afghans spontaneously returned or deported from the Islamic Republic of Iran and Pakistan increased during the first six months of 2015. As recorded at border crossing points, 91,458 individuals from Pakistan returned to Afghanistan during the first six months of 2015, compared with 21,866 individuals during the same period in 2014. A total of 243,107 individuals

spontaneously returned or were deported from the Islamic Republic of Iran during the first half of 2015, compared with 220,564 during the same period in 2014. The returns from Pakistan represent a 418 per cent increase from the same period in 2014. Most of the Afghans returning from Pakistan have spent between 15 and 25 years outside of Afghanistan. The rate of return through UNHCR voluntary repatriation programmes increased significantly, with 43,695 individuals repatriating (mostly from Pakistan) between 1 January and 30 June 2015, compared with 9,364 individuals for the same period in 2014. Returnee monitoring feedback continues to raise concerns about allegations that Pakistan is pressuring refugees to return.

44. The United Nations and its partners continue to respond to the needs of 217,000 refugees from Pakistan who crossed into south-eastern Afghanistan following military operations in North Waziristan. No large-scale return of refugees is expected in 2015, as evidenced by the building of transitional shelters by refugees and from consultations with families who indicated that they expect to return in two to three years. Significant gaps remain in the response owing to limited funding, in particular for food items, and as a result, refugees are currently receiving about 30 per cent of the standard food rations.

45. From 1 January to 31 July, the volume of security incidents involving humanitarian-related personnel, assets and facilities and violations against health-care facilities decreased compared with the same period in 2014, with 140 recorded incidents. These included the killing of nine aid workers in Balkh Province on 2 June and the killing of five national and two international non-governmental organization workers in Kabul on 13 May. In addition, 28 aid workers were wounded and 90 abducted during the first seven months of 2015. On 2 July, a hospital in Kunduz supported by a non-governmental organization was temporarily closed after security forces raided the hospital and allegedly threatened medical staff while searching for a suspected insurgent who was reportedly being treated in the hospital.

46. As at 30 June, overall humanitarian funding reached $197 million according to the Financial Tracking Service, of which $124.3 million is designated for activities within the Humanitarian Response Plan and $72.7 million for other funding (for example, for the International Red Cross and Red Crescent Movement). The 2015 Humanitarian Response Plan midyear review includes a revised funding requirement of $417 million, increased from $405 million, based on increased needs for refugees and returnees. In addition, the humanitarian cluster system is reprioritizing resources within its existing strategies to address the marked increase in the conflict-displaced persons caseload and most critical life-saving needs. In early July, the Emergency Response Coordinator allocated $8 million to Afghanistan under the Central Emergency Response Fund underfunded emergencies window. This funding is being prioritized to support assistance towards the immediate needs of newly displaced populations owing to conflict and underfunded needs from displacements in 2014.

VI. Counter-narcotics

47. The Ministry of Counter-Narcotics, in collaboration with the United Nations, launched the Afghanistan Drug Reporting System on 23 June. The Ministry of

Counter-Narcotics views the system as a key component of its leadership and coordination role in countering narcotics, given that it consolidates verified information from all line ministries and international partners involved in counter-narcotics-related initiatives. As such, the system will provide access to the most up-to-date data on all available narcotics-related indicators in Afghanistan, including eradication, cultivation, drug prices, treatment capacity, imprisonment, alternative livelihoods and seizure, to inform trend analysis, policy development and evaluation.

48. At the close of the annual opium cultivation period in 2015, a total of 3,760 hectares of opium poppy in 12 provinces had been verified as eradicated under the Governor-led control programme. This represents a 40 per cent increase from the 2,692 hectares verified as eradicated in 2014 under the initiative. Since May, two persons have been injured during eradication operations. Overall security incidents decreased compared with the eradication period in 2014, owing to better coordination efforts between the Ministry of Counter-Narcotics and the Ministries of Defence and Interior. Such efforts have allowed eradication to be carried out in the vicinity of military operations, which has resulted in less resistance being directed against eradication operations.

49. From 10 May to 12 August, Afghan law enforcement authorities conducted 735 counter-narcotics operations, resulting in the seizure of approximately 16,161 kg of narcotics, a reduction in seizures from the same period in 2014. This comprised 1,911 kg of heroin, 8,142 kg of opium, 6,104 kg of hashish and 4 kg of methamphetamine. In addition, 372 kg of solid precursor chemicals and 74 litres of liquid precursor chemicals were seized. The operations also resulted in the arrest of 777 suspects and the seizure of 149 vehicles and 59 weapons; this was not without incident, however, as two security force personnel were killed in the operations. Significant seizures continued to be recorded at Afghanistan's international airports, with law enforcement authorities reporting a total of 25 seizures involving 25 kg of narcotics in the overall total for the period.

VII. Mission support

50. UNAMA continued to review and align operational resources to enable mandated activities across the country. The preparations for the roll-out of the next phase of the Umoja enterprise resource planning project continued throughout the reporting period. Training and capacity-building activities for staff were undertaken as part of the preparations in close consultation with the Kuwait Joint Support Office.

VIII. Observations

51. During the past three months, the Government continued to make efforts to address the increasing political, economic and security challenges. I welcome the determination of the National Unity Government to improve accountability and eliminate corruption, which will be central to establishing fiscal sustainability and a long-term path towards equitable economic growth. Measures to implement the reform agenda articulated at the London Conference on Afghanistan have begun, with the Government reporting progress in efforts to reform revenue collections and

procurements, enhance anti-corruption measures, rationalize Government salaries and improve the investment climate. The Government is preparing reform and development plans aimed at supporting its objectives of self-reliance and growth, including a renewed mutual accountability framework that synthesizes key features of those plans focused on priorities leading to the next development ministerial conference. As the Government moves forward with its agenda, it will be important for the leadership to work with the private sector and civil society to ensure that the rights and needs of all its citizens, particularly the most vulnerable, are protected and addressed during this reform process. I welcome the recent senior officials meeting, which provided a platform for the Government and its international supporters to renew commitments to mutually agreed benchmarks and promote more effective use of aid.

52. The commencement of work by the Special Electoral Reform Commission was another critical step towards meeting the commitments made by President Ghani and Chief Executive Abdullah in September 2014 upon the formation of the Government and in further improving Afghanistan's electoral processes and public confidence. The Commission members are working intensively to address a number of electoral challenges in a spirit of collaboration.

53. A number of prominent Afghans, however, have publicly voiced their concern about the path being pursued by the Government. Political divisions within the Government and with other political powerbrokers continue to challenge the Government's capacity to make timely decisions and implement effective reforms. Nonetheless, I am encouraged to learn of efforts to move towards more constructive engagement in the interests of the nation. I urge all political leaders to rise above individual differences and confront these shared challenges in a spirit of national unity.

54. This constructive approach is essential given that the intensity of the conflict within the country shows no signs of abating and, if anything, the security environment has become more fragile and dynamic. Conflicts between anti-Government groups, including ISIL and the Taliban, and continued reports of leadership tensions within the Taliban movement present increased challenges in predicting conflict trends. At the same time, the conflict continues to expand in the northern provinces of the country and a series of attacks have taken place in Kabul. In this environment, the Afghan security forces have served with courage and resilience in the face of sustained pressure. Notwithstanding the challenges facing the Afghan security forces, I am concerned about increasing calls for and signs of the re-establishment and reinforcement of pro-Government militias to combat insecurity. While it is understandable that local communities are motivated to support the security forces, armed groups not directly accountable to the State represent a long-term challenge to security in the country. I urge the Government to maintain the focus of its efforts on building the capacity of its national security forces, which will serve and be accountable to all Afghans and enjoy their full support.

55. I am deeply concerned about the continuing impact of the conflict upon ordinary Afghans, following a period of sustained conflict throughout the holy month of Ramadan. The impact of insurgent attacks upon civilians, particularly in urban areas, continues to contradict public undertakings by anti-Government elements concerning the protection of civilians. Consistent with my statement on

14 July following a series of attacks in Khost, Baghlan and Kabul, there can be no justification for such abhorrent attacks in public places, where victims are predominantly civilians. The shocking attacks on 7 August in Kabul caused the highest casualties in that city in recent memory and understandably prompted considerable public anger.

56. The conflict also continues to undermine the efforts of humanitarian actors to deliver aid. It is imperative that all those affected by conflict have access to humanitarian assistance and that aid workers can work unimpeded, without fear of violent attack. I again remind all parties to the conflict that military operations must be conducted with respect for international human rights and humanitarian law and urge full compliance in this regard.

57. The simultaneous increase in both conflict-related internal displacement and refugee returns presents an increasing humanitarian and socioeconomic challenge. The efforts by the Government and its national and international partners to manage the processes of repatriation and reintegration and to meet the immediate humanitarian needs of the displaced are welcome. I encourage donors to ensure that funding gaps are filled and that assistance is available to those in need.

58. The announcement of the death of Mullah Omar has clear implications for reconciliation, as questions about Taliban cohesion following the announcement have also fuelled doubts about its commitment to a peace process. The postponement of the second round of talks was undoubtedly a setback, but peace processes rarely move in a linear way. I reiterate the need for the Taliban to choose the path to peace by nominating an authorized and representative delegation to resume direct talks with the Government. A peaceful political settlement achieved through dialogue is necessary for the future of Afghanistan.

59. A successful peace process needs to be inclusive. Discussions should take place at all strata of society and this public debate should guide and support negotiations between political leaders. Initiatives that stimulate discussion and promote inclusion, such as the Afghan People's Dialogue and the National Action Plan on Women and Peace and Security, are crucial. I welcome President Ghani's pledge, made at the launch of the Plan, to ensure women's participation in the peace process and to fully implement the Plan's provisions.

60. The Governments of Afghanistan and Pakistan continued to engage on critical issues and while there were challenges to this relationship during the reporting period, there are indications that both nations are making efforts to rebuild trust. The Murree talks on 7 July were a positive step in both neighbourly relations and an Afghan peace process, with Pakistan playing a constructive supporting role as host. This event illustrated the progress that can be made through positive, regional engagement. However, subsequent developments have strained the bilateral relationship and risk undermining the effective regional partnership being fostered between the nations. Faced with growing domestic discontent in Afghanistan following the attacks of 7 August in Kabul, the visit by senior Afghan officials to Islamabad on 13 August underscored the need for a shared commitment to continue to work together as equal partners in addressing security challenges. I urge the Governments of Afghanistan and Pakistan to redouble their efforts to find common ground on issues of security coordination and further explore how best to support an Afghan-led and -managed peace process.

61. In reference to the request by the Security Council that I conduct an examination of the role, structure and activities of all United Nations entities in Afghanistan, I am pleased to report the timely completion of the work of a tripartite commission comprised of representatives of the Government, the international donor community, and UNAMA and United Nations agencies, funds and programmes. This process was a useful opportunity for all stakeholders to take stock and highlight important aspects of how the United Nations works in Afghanistan, resulting in an improved alignment of work and structures. It is my expectation that the report and recommendations of the Commission will inform the Council's discussions in early 2016.

62. Lastly, I thank all the United Nations personnel in Afghanistan and my Special Representative, Nicholas Haysom, for their continued efforts, under challenging conditions, to support a more peaceful, prosperous and stable Afghanistan.

United Nations S/2015/685

Security Council

Distr.: General
3 September 2015

Original: English

Letter dated 1 September 2015 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission for the Referendum in Western Sahara (MINURSO), established by the Security Council in resolution 690 (1991) of 29 April 1991 and most recently extended by the Council in resolution 2218 (2015) of 28 April 2015.

Following the usual consultations, I would like to inform you of my intention to appoint Major General Muhammad Tayyab Azam (Pakistan) as Force Commander of MINURSO. He succeeds Major General Imam Edy Mulyono (Indonesia), who will complete his assignment on 17 September 2015. I would like to take this opportunity to express my gratitude to Major General Mulyono for his dedication and effective leadership of the MINURSO military component.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

15-14981 (E) 040915

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United Nations S/2015/686

Security Council

Distr.: General
3 September 2015

Original: English

Letter dated 3 September 2015 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 1 September 2015 (S/2015/685) concerning your intention to appoint Major General Muhammad Tayyab Azam (Pakistan) as Force Commander of the United Nations Mission for the Referendum in Western Sahara (MINURSO) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Vitaly **Churkin**
President of the Security Council

15-14983 (E) 040915

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United Nations S/2015/687

Security Council

Distr.: General
4 September 2015

Original: English

Letter dated 4 September 2015 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to bring to your attention the increasing tensions on the line of control and the working boundary in Jammu and Kashmir.

Indian security forces have resorted to unprovoked firing across the line of control and the working boundary over the past few months. Indian forces are increasingly targeting civilians, which is a matter of deep concern for the Government and people of Pakistan.

You would recall that the line of control and the working boundary had been relatively peaceful over the past few years in observance of the 2003 ceasefire arrangement. Violations of the ceasefire arrangement by the Indian side have, however, spiked over the last couple of months.

During July 2015, Indian security forces committed 36 violations of the ceasefire, resulting in five civilians being killed and six injured. In August 2015, the number increased significantly, with the ceasefire violations touching 90, leading to 20 civilians being killed and 97 injured.

These violations involve the use of small arms as well as heavy mortar fire, targeting innocent civilians.

The prolonged hostility along the line of control and the working boundary is vitiating the already tense atmosphere between the two countries and is a matter of grave concern. The Government of Pakistan has urged India to stop these ceasefire violations forthwith and abide by the 2003 ceasefire arrangement for the restoration of peace and tranquillity.

We expect the Security Council to take note of this provocative Indian attitude and urge restraint.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Maleeha **Lodhi**

15-15071 (E) 100915

Please recycle

United Nations S/2015/688

Security Council

Distr.: General
8 September 2015

Original: English

Letter dated 7 September 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

In accordance with Article 51 of the Charter of the United Nations, and further to our letter of 25 November 2014 (S/2014/851), I am writing to report to the Security Council that the United Kingdom of Great Britain and Northern Ireland has undertaken military action in Syria against the so-called Islamic State in Iraq and the Levant (ISIL) in exercise of the inherent right of individual and collective self-defence.

On 21 August 2015, armed forces of the United Kingdom of Great Britain and Northern Ireland carried out a precision air strike against an ISIL vehicle in which a target known to be actively engaged in planning and directing imminent armed attacks against the United Kingdom was travelling. This air strike was a necessary and proportionate exercise of the individual right of self-defence of the United Kingdom.

As reported in our letter of 25 November 2014, ISIL is engaged in an ongoing armed attack against Iraq, and therefore action against ISIL in Syria is lawful in the collective self-defence of Iraq.

I request that you circulate the present letter as a document of the Security Council.

(*Signed*) Matthew **Rycroft**

15-15254 (E) 080915

Please recycle

United Nations S/2015/689

Security Council

Distr.: General
8 September 2015

Original: English

Letter dated 8 September 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a statement by a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea issued on 7 September 2015, which marked 70 years since the United States military forces have occupied south Korea (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

15-15266 (E) 090915

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Annex to the letter dated 8 September 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Statement issued 7 September 2015 by a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

The withdrawal of United States forces from south Korea is a requirement of the times

A spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) issued a statement on Monday, 7 September 2015, which marked 70 years since the United States occupied south Korea.

"The United States has persisted in its reckless hostile moves to perpetuate Korea's division and stifle the DPRK, contrary to the unanimous will of all Koreans, who have aspired to peace and reunification since its occupation of south Korea", the statement said, and went on:

> "Behind the Korean war and all the armed conflicts and skirmishes that have broken out on the Korean Peninsula for the past 70 years was the United States, which has deployed huge forces in south Korea to stage provocative military actions.
>
> "The United States-south Korea joint military drills have become a main factor aggravating confrontation and distrust not only between the DPRK and the United States, but also between the north and the south of Korea.
>
> "The risky war games have entered an extremely reckless phase of putting into practice such a scenario for a surprise preemptive attack upon the DPRK, as OPLAN 5015 made public a short time ago.
>
> "The United States forces' presence in south Korea has become a pretext for the ceaseless north-targeted sabre-rattling in south Korea.
>
> "The United States has sought a pretext for an arms buildup, pursuant to its 'strategy of rebalancing forces' in the Asia-Pacific to dominate the world.
>
> "That is why it has periodically staged provocative military actions to keep up tensions on the Korean Peninsula.
>
> "As long as the United States has its huge forces in south Korea, seizing the prerogative of the supreme command of the south Korean army, north-south relations are bound to be influenced by the United States.
>
> "As urged by the resolution adopted at the thirtieth session of the General Assembly of the United Nations, the withdrawal of United States forces from south Korea has become a requirement of the times, which brooks no further delay.
>
> "As the agreement reached at the north-south high-level urgent contact showed that the north and the south are capable of tiding over the crisis and protecting peace in the spirit of 'By Our Nation Itself', such a trite pretext by

the United States — that its forces' presence in south Korea 'ensures stability on the Korean Peninsula' — is no longer workable.

"If the United States does not withdraw its armed forces from south Korea and continues to wage provocative military actions against the DPRK, it may lead to another incident of unknown origin that could trigger an armed conflict, for which the United States will be held fully and seriously accountable."

United Nations S/2015/690

Security Council

Distr.: General
9 September 2015
English
Original: Arabic

Identical letters dated 8 September 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey to you the position of the Government of the Syrian Arab Republic regarding the blatant interference by the British Government in Syria's internal affairs:

Certain British officials have recently ratcheted up their well-known positions regarding the situation in Syria, and this escalation has also been observed in the statements made by British foreign policy officials. Those developments demonstrate that British politicians are interfering in matters that do not fall within their competence under international law and the Charter of the United Nations. They also prove that certain Western Governments, particularly the British and the French, are pining for their long colonial pasts. Those Governments are seeking to impose their will on the people and the States of the world, citing every sort of pretext and using every means possible to justify their blatant interference in the internal affairs of independent States Members of the United Nations. They are also striving to impose on those States political systems that are in line with their interests, without regard for the rights of the peoples of those States and their hopes and aspirations to live in dignity and peace and exercise their right to self-determination.

The peoples of our region, along with the peoples of Asia, Africa, the Middle East and Latin America, are still suffering from the colonial policies of successive British Governments and the destructive role they played in carving up the region. The odious Balfour Declaration and the Sykes-Picot Agreement are the clearest evidence of that role. Now, in the twenty-first century, Britain is attempting to repeat its loathsome colonial past in order to divide forcibly what has already been divided and thereby serve its narrow interests and retrace its colonial path. This includes what is happening in the Syrian Arab Republic today. The British Government has marshalled all of its resources and colonial experience to support the efforts of its various proxies to destroy peace and security in Syria by providing financial, media and political support to terrorist groups and supporting their bloodthirsty position, by providing them with arms and materiel, and by helping foreign terrorists and mercenaries to enter the territory of the Syrian Arab Republic and wreak havoc and destruction.

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The British Government has exported such terrorists and mercenaries as "Jihadi John", the butcher of Islamic State in Iraq and the Levant. It has also harboured the leaders of terrorist organizations for decades, including Abu Qatadah and Umar Abdulrahman, provided them with logistical support and given them a media platform to disseminate their obscurantist, destructive ideology and recruit terrorists. Such conduct reveals the political hypocrisy of Britain, gives lie to its claims that it is spreading democracy, countering terrorism and promoting and protecting human rights, and reveals the motive behind the letters it has sent to the Security Council, such as the one circulated under the symbol S/2015/641. In addition, the statements made by the British Secretary of State for Foreign and Commonwealth Affairs have indicated nothing but direct support for terrorism and terrorist organizations.

It is disgraceful that British officials should deny the right of Syria to counter terrorism and protect its people against the threat thereof, as well as its efforts to bring security and peace to the country and expel from its territory terrorists who come from more than 100 countries, including from Britain. Their conduct runs counter to the responsibility placed on States under the Charter of the United Nations and international law and pursuant to the resolutions of the Security Council to protect their territories and peoples.

Those who wish to preach to others, particularly the permanent members of the Security Council, must first heed their own warnings. Prime Minister Cameron must therefore retract his statements and, indeed, apologize to British citizens for the address he made on 11 August 2011, when he said that he would use the army to quell the protests in which three persons had died and 750 had been arrested. In that same address he also said that he would not allow phoney human rights concerns to get in the way of arresting those individuals. Meanwhile, a Government spokesperson stated that Britain was considering the possibility of cutting off social networks and messaging services, such as Blackberry and Twitter, in times of disorder. All of those positions reveal the political hypocrisy and double standards of the British Government in respect of political affairs.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations A/69/1023–S/2015/691

General Assembly
Security Council

Distr.: General
8 September 2015

Original: English

General Assembly
Sixty-ninth session
Agenda items 36 and 50

Question of Palestine

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Security Council
Seventieth year

Identical letters dated 8 September 2015 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you upon instructions from President Mahmoud Abbas with regard to an issue of utmost priority for the Palestinian people and their leadership, namely, the plight of the Palestine refugees.

As conflict and upheaval continue to plague the region, the suffering of the Palestine refugees has markedly intensified, as they are among the millions of civilians that have been severely affected by the spreading instability, particularly as a result of the crisis in Syria and the spillover effect in Lebanon, Jordan, Turkey and elsewhere in the region. In the midst of this turmoil, Palestine refugee men, women and children have been enduring death, injury, starvation, destruction of their homes and communities, repeated displacement and dispossession, and drowning and death in the waters of the Mediterranean Sea as they have tried to escape the conflict and the human insecurity, poverty and endless suffering it has inflicted on so many innocent civilians.

The tragedy of the Palestine refugees from the Yarmouk refugee camp, in particular, reflected in shocking terms the extent of the misery being suffered by the Palestine refugees throughout Syria during the years of this crisis, with every single refugee camp impacted by the war. While it is estimated that approximately 80,000 Palestine refugees have fled Syria, seeking refuge primarily in neighbouring countries, at least 480,000 Palestine refugees remain in Syria, with more than half displaced from their refugee camps and 95 per cent in need of humanitarian assistance for their basic and daily survival. In this regard, we reiterate our gratitude to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the valiant efforts that continue to be undertaken to provide the Palestine refugees with emergency food, shelter and medical aid, as well as

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continuity of education, despite the dangerous situation prevailing on the ground, and to reaffirm also our gratitude to the donor community for their response to this emergency and rising needs, helping to alleviate the plight of the refugees to the extent possible under these most difficult circumstances.

Such assistance, however, cannot mitigate the real dangers being faced by innocent and defenceless civilians caught in the middle of this horrific conflict. It is in this grave context that President Abbas and the Palestinian leadership have issued urgent calls to all members of the international community, in particular the United Nations, to support our efforts to bring Palestine refugees to the Occupied Palestinian Territory. Rather than being forced to flee in desperation to neighbouring countries or to attempt the treacherous journey to leave the Middle East region entirely in search of safety, stability and livelihoods, the Palestine refugees should be allowed to join their brothers and sisters in their homeland, where they will be most welcomed and cared for.

Regrettably, however, Israel, the occupying Power, has callously rejected this appeal, even in the face of the grave tragedies the refugees are enduring and even in the midst of the calls from throughout the international community for countries to offer safe haven and refuge to the thousands of refugees fleeing the conflict. The Palestinian leadership is thus compelled to bring this most urgent issue to your attention once again and to appeal for any and all efforts possible to support our request and facilitate this matter. Israel's intransigence can neither be accepted nor justified as we collectively seek to uphold our responsibilities and to respond to this massive humanitarian emergency. Israel should not be allowed to prevent us from bringing our refugees to safety in their own homeland. In this regard, we stress that Israel bears a moral, political and legal responsibility for the plight of the Palestine refugees and the grave injustices they have borne since they were forcibly uprooted from their homes in the 1948 *Nakba*, which continues to this day as Israel continues to prevent their return, in blatant violation of their human rights and the relevant United Nations resolutions, primarily resolution 194 (III) of 11 December 1948.

It is incomprehensible that for nearly seven decades the Palestine refugees have been denied their rights, foremost their right to return to their homes to live peaceably alongside their neighbours, and have suffered repeated crises, displacement, dispossession and tragedies as they have patiently awaited a just solution. While we continue to seek that just solution, in accordance with resolution 194 (III) and the Arab Peace Initiative and in the context of a just, comprehensive and lasting solution to the question of Palestine as a whole, we call on the international community to help us to spare the Palestine refugees more undue suffering and to support the effort to bring the Palestine refugees fleeing the Syrian crisis to Occupied Palestine as a matter of humanitarian, moral and political urgency.

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the General Assembly, under agenda items 36 and 50 of the 69th session, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations

United Nations A/69/1025–S/2015/592

General Assembly
Security Council

Distr.: General
9 September 2015

Original: English

General Assembly
Sixty-ninth session
Items 33 and 38

Security Council
Seventieth year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 8 September 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan, dated 31 August 2015, in connection with the so-called "elections" to the "self-governing bodies" of the puppet separatist regime, to be held in the Nagorno-Karabagh region of the Republic of Azerbaijan on 13 September 2015 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 33 and 38, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

15-15283 (E) 210915

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Annex to the letter dated 8 September 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan

31 August 2015

According to press reports, the so-called "elections" to the "self-governing bodies" of the puppet separatist regime in the occupied territories of the Republic of Azerbaijan will be held on 13 September 2015.

The Ministry of Foreign Affairs of the Republic of Azerbaijan reiterates in this regard that the separatist regime established by Armenia in the occupied territories of Azerbaijan is ultimately nothing other than the product of aggression and racial discrimination; it is under Armenia's direction and control and survives by virtue of its military, political, financial and other support, as was confirmed recently by the European Court of Human Rights in its judgement of 16 June 2015 in the case of *Chiragov and others v. Armenia*.

It is well known that Armenia unleashed the war and used force against Azerbaijan, occupied almost one fifth of its territory, including the Nagorno-Karabakh region and seven adjacent districts, carried out ethnic cleansing of the seized areas by expelling about 1 million Azerbaijanis from their homes and committed other serious crimes during the conflict. The international community has consistently deplored, in the strongest terms, the use of military force against Azerbaijan and the resulting occupation of its territories, as reflected in Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), thus rejecting any actions violating the sovereignty and territorial integrity of Azerbaijan and refusing to recognize as legitimate the situation created through such actions.

The holding of the so-called "elections" is yet another clear manifestation that, by undertaking consistent measures to maintain the status quo, consolidate the results of its occupation policy and annexationist aspirations, Armenia is not genuinely interested in seeking a political settlement of the armed conflict and, instead, pursues the path of provocations and escalation.

Against the background of continuing military occupation and ethnic cleansing of the territories of Azerbaijan, this mock "election" exercise constitutes a clear violation of the Constitution of the Republic of Azerbaijan and the norms and principles of international law and, therefore, shall have no legal effect whatsoever.

Armenia's policy of attempted annexation of the occupied territories of Azerbaijan has no chance of succeeding. The only way to achieve a durable and lasting conflict settlement is to ensure the unconditional and complete withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan, as the Security Council demands in its above-mentioned resolutions, and the exercise by the forcibly displaced Azerbaijani population of its inalienable right to return to their homes and properties in the Nagorno-Karabakh region of Azerbaijan and adjacent districts. This conflict can be resolved only on the basis of the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders. No peace settlement of the conflict can be

reached which violates the Constitution of the Republic of Azerbaijan and is inconsistent with international law. No acquisition of territory by force shall ever be recognized by the international community as lawful. Never shall Azerbaijan reconcile with the seizure of its territories. The military occupation of the territory of Azerbaijan does not represent a solution and shall never produce a political outcome desired by Armenia.

The Republic of Azerbaijan calls on all members of the international community, in line with their obligations under international law, not to recognize as lawful the situation resulting from the occupation of the territories of Azerbaijan, nor render aid or assistance in maintaining that situation and take effective measures in that regard.

Armenia must drop its futile attempts to mislead its own people and the wider international community, cease its policy of annexation and ethnic cleansing, engage constructively in the conflict settlement process and comply with its international obligations.

The responsibility for the consequences of any action which the Republic of Azerbaijan may be obliged to take in connection with the continued illegal presence of the Armenian armed forces and unlawful activities in the occupied territories of Azerbaijan in order to protect its sovereignty and territorial integrity within its internationally recognized borders will lie entirely with the Republic of Armenia.

United Nations S/2015/693

Security Council

Distr.: General
9 September 2015

Original: English

Letter dated 9 September 2015 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council

I am writing, in accordance with Article 51 of the Charter of the United Nations, to report to the Security Council that Australia is taking measures against the Islamic State in Iraq and the Levant (ISIL) in Syria in support of the collective self-defence of Iraq as part of international efforts led by the United States.

On 20 September 2014, the Government of Iraq wrote to inform the Security Council that ISIL had established safe havens outside Iraq's borders in Syria and that ISIL attacks emanating from these positions posed a direct threat to the security of the Iraqi people and territory (see S/2014/691, annex). The Government of Iraq requested that the United States lead international efforts to strike ISIL sites and military strongholds in Syria in order to end the constant attacks on Iraq, to protect Iraqi citizens and, ultimately, to enable Iraqi forces to regain control of Iraq's borders.

This threat to Iraq, its territorial integrity and its citizens persists. Attacks by ISIL in Iraq from safe havens in Syria continue.

Article 51 of the Charter of the United Nations recognizes the inherent right of States to act in individual or collective self-defence where an armed attack occurs against a Member of the United Nations. States must be able to act in self-defence when the Government of the State where the threat is located is unwilling or unable to prevent attacks originating from its territory. The Government of Syria has, by its failure to constrain attacks upon Iraqi territory originating from ISIL bases within Syria, demonstrated that it is unwilling or unable to prevent those attacks.

In response to the request for assistance by the Government of Iraq, Australia is therefore undertaking necessary and proportionate military operations against ISIL in Syria in the exercise of the collective self-defence of Iraq.

These operations are not directed against Syria or the Syrian people, nor do they entail support for the Syrian regime. When undertaking such military operations, Australia will abide by its obligations under international law.

I request that you have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Gillian **Bird**

15-15379 (E) 100915

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United Nations S/2015/694

Security Council

Distr.: General
10 September 2015

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its resolution 1970 (2011) and all its subsequent resolutions on Libya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Calling on all parties to armed conflict to take all appropriate steps to protect civilians,

Recalling that all parties to armed conflict must comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law,

Welcoming the ongoing efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General to facilitate a Libyan-led political solution to the increasing challenges facing the country and *underlining* the importance of agreement, in accordance with the principles of national ownership, on immediate next steps towards completing Libya's political transition, including the formation of a Government of National Accord,

Recognizing the need for assistance planning for a Government of National Accord and security arrangements,

Welcoming the initialling of the Libyan Political Agreement of Skhirat, Morocco on 11 July 2015 by the majority of the Libyan delegates to the ongoing UN-facilitated political dialogue, *recognizing* the contribution of Member States to host and support meetings of that dialogue, and *emphasizing* the necessity for the constructive participation of the elected House of Representatives and other Libyan parties to take forward the democratic transition, build state institutions and start the reconstruction of Libya,

Urging the full, equal and effective participation of women in all activities relating to the democratic transition, conflict resolution and peacebuilding in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013), and in this regard *welcoming* the United Nations facilitation of meetings of women's participation within the framework of the ongoing Political Dialogue,

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Welcoming the efforts made by all participants in the UN-facilitated Libyan Political Dialogue and other tracks of the peace process, including the contributions of civil society, tribal leaders, local-level ceasefires, prisoner exchanges and the return of internally displaced persons,

Reiterating grave concern at the growing trend of terrorist groups in Libya proclaiming allegiance to Islamic State in Iraq and the Levant (ISIL) (also known as Da'esh) and the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there, and *further reiterating* grave concern about the negative impact of their presence, violent extremist ideology and deadly actions in Libya, neighbouring countries, and the region, *reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, and *recalling*, in this regard, the obligations under resolution 2161 (2014),

Expressing deep concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which undermines stability in Libya and the region, including through transfer to terrorist and violent extremist groups, and underlining the importance of coordinated international support to Libya and the region to address these issues,

Reaffirming the importance of holding accountable those responsible for violations or abuses of human rights or violations of international humanitarian law, including those involved in attacks targeting civilians,

Recalling its decision in resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court (ICC), *noting* the decision of the Pre-Trial Chamber dated 10 December 2014, and also *noting* the request of the Prosecutor to the Pre-Trial Chamber dated 30 July 2015 that Libya immediately surrender Saif Al-Islam Gaddafi to the Court,

Further recalling the arms embargo, travel ban, assets freeze and measures concerning illicit oil exports which were imposed and modified by resolutions 1970 (2011), 1973 (2011), 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2146 (2014), 2174 (2014) 2213 (2015) (the Measures), and that the mandate of the Panel of Experts established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014) and 2174 (2014) was extended until 30 April 2016 by resolution 2213 (2015),

Encouraging the Libyan authorities to continue to implement measures to increase transparency of government revenues and expenditures, including salaries, subsidies, and other transfers from the Central Bank of Libya, and *welcoming* the efforts of the Libyan authorities to eliminate the duplication of payments and to guard against the illegal diversion of payments, and *encouraging* further steps in this regard that ensure the long-term sustainability of Libya's financial resources,

Emphasizing the need for all parties to respect the relevant provisions of international humanitarian law and the United Nations guiding principles of humanitarian emergency assistance,

Taking note of the report of the Secretary-General on the United Nations Support Mission in Libya (UNSMIL) (S/2015/624),

Taking note also of the special report of the Secretary-General on the strategic assessment of the UN presence in Libya (S/2015/113) including the recommendations on the configuration of the UN presence made therein,

Taking note of the final report of the Panel of Experts (S/2015/128) submitted pursuant to paragraph 14 (d) of resolution 2144 (2014) and the findings and recommendations contained therein,

Recalling its determination in resolution 2213 (2015) that the situation in Libya constitutes a threat to international peace and security,

1. *Calls for* an immediate and unconditional ceasefire, *underscores* that there can be no military solution to the ongoing political crisis, and *urges* all parties in Libya to engage constructively with the efforts of UNSMIL and the Special Representative of the Secretary-General to finalise the Libyan Political Agreement;

2. *Calls for* the immediate formation of a Government of National Accord, and agreement on interim security arrangements necessary for stabilising Libya through the UN-facilitated Libyan Political Dialogue;

3. *Calls upon* all Member States to fully support the efforts of the Special Representative of the Secretary-General;

4. *Encourages* Member States, particularly in the region, to continue to urge all parties in Libya to engage constructively in the UN-facilitated dialogue and work quickly towards a successful outcome;

5. *Condemns* the use of violence against civilians and civilian institutions and continuing escalation of conflict, including attacks on airports, State institutions, and other vital national infrastructure and natural assets, and *calls for* those responsible to be held accountable;

6. *Expresses* its deep concern over the increased tensions and displacement of civilians resulting from violence between armed groups, including in the South of Libya, and *urges* all groups to exercise restraint and work towards local and national reconciliation initiatives;

7. *Calls upon* the Libyan government to promote and protect human rights, including those of women, children and people belonging to vulnerable groups, and to comply with its obligations under international law, and *calls for* those responsible for violations of international humanitarian law and violations and abuses of human rights, including sexual violence, to be held accountable;

8. *Condemns* cases of torture and mistreatment, and deaths by torture, in detention centres in Libya, *calls upon* the Libyan government to take all steps necessary to accelerate the judicial process, transfer detainees to State authority and prevent and investigate violations and abuses of human rights, *calls for* all Libyan parties to cooperate with Libyan government efforts in this regard, *calls for* the immediate release of all individuals arbitrarily arrested or detained in Libya, including foreign nationals, and *underscores* the Libyan government's primary responsibility for promoting and protecting the human rights of all persons in Libya, including those of African migrants and other foreign nationals;

9. *Expresses* concern that the situation in Libya is exacerbated by the smuggling of migrants and trafficking in persons from and through Libyan territory, and *expresses* grave concern at the recent proliferation of, and endangerment of

lives by, the smuggling of migrants in the Mediterranean Sea, in particular off the coast of Libya;

10. *Calls upon* the Libyan government to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011);

11. *Encourages* Libya and regional States to promote regional cooperation aimed at stabilization of the situation in Libya, to prevent former Libyan regime elements and violent extremist groups or terrorists from using the territory of Libya or such States to plan, fund or carry out violent or other illicit or terrorist acts to destabilize Libya or States in the region, and *notes* that such cooperation would benefit regional stability;

United Nations mandate

12. *Extends* the mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 March 2016 under the leadership of the Special Representative of the Secretary-General, and *further mandates* UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, shall focus, as an immediate priority, through mediation and good offices, on support to the Libyan political process towards the formation of a Government of National Accord and security arrangements, through the security track of the UN-facilitated Libyan Political Dialogue, and further, within operational and security constraints, shall undertake:

(i) human rights monitoring and reporting;

(ii) support for securing uncontrolled arms and related materiel and countering its proliferation;

(iii) support to key Libyan institutions;

(iv) support, on request, for the provision of essential services, and delivery of humanitarian assistance and in accordance with humanitarian principles;

(v) co-ordination of international assistance;

13. *Requests* that the Secretary-General continue to maintain the necessary flexibility and mobility to adjust UNSMIL staffing and operations at short notice in order to support, as appropriate and in accordance with its mandate, implementation by the Libyans of agreements and confidence-building measures or in response to their expressed needs, and further *requests* the Secretary-General keep the Security Council informed prior to such changes to UNSMIL in his reports pursuant to paragraph 15 of this resolution;

Sanctions measures

14. *Calls* upon all Member States to fully and effectively implement the aforementioned Measures, and *urges* the Libyan government to implement those Measures accordingly, in accordance with their obligations under the relevant resolutions and the Charter of the United Nations;

Reporting and review

15. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution at least every 60 days;

16. *Affirms* its readiness to review the appropriateness of the Measures contained in this resolution, including the strengthening, modification, suspension or lifting of the Measures, and its readiness to review the mandate of UNSMIL, as may be needed at any time in light of developments in Libya, particularly outcomes of the UN-facilitated dialogue;

17. *Decides* to remain actively seized of the matter.

United Nations S/2015/695

Security Council

Distr.: General
10 September 2015

Original: English

Letter dated 9 September 2015 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to express the Government of Pakistan's deep concern at the reported plan by India to construct a 10 m high and 41 m wide embankment (wall) along the 197 km working boundary between Indian-occupied Jammu and Kashmir, and Pakistan.

The State of Jammu and Kashmir is internationally recognized as a disputed territory, with a number of Security Council resolutions on the official status of Jammu and Kashmir awaiting implementation.

In Security Council resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948, 80 (1950) of 14 March 1950, 91 (1951) of 30 March 1951 and 122 (1957) of 24 January 1957, and in the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, the Security Council and the Commission indicate that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. According to these resolutions, no party to the dispute is allowed to bring about a material change in the situation on the ground.

The Government of Pakistan considers the embankment a permanent structure that will bring about a material change in the territory in violation, inter alia, of paragraph 2 of Security Council resolution 38 (1948), in which the Council calls upon India and Pakistan "to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and consult with the Council thereon".

The Government of Pakistan believes that the embankment will create a fait accompli aimed at permanently creating a physical and psychological barrier for the people of Jammu and Kashmir, who have yet to exercise their right to self-determination, as enshrined in Security Council resolutions. Pakistan considers this an Indian effort aimed at converting the line of control and the working boundary into a quasi-international border. This is an unacceptable breach of Security Council resolutions.

We have already formally lodged a protest with the Indian Government. We hope that the Security Council will also take note of this serious situation and urge

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India to refrain from undertaking actions that could bring about a material change in the situation on the ground, in violation of Security Council resolutions.

I would be grateful if you could circulate the present letter as a document of the Security Council.

(*Signed*) Maleeha **Lodhi**

United Nations S/2015/696

Security Council

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Letter dated 9 September 2015 from the Secretary-General addressed to the President of the Security Council

In view of the deliberations by the members of the Security Council with regard to my letter of 27 August 2015 (S/2015/669) conveying my recommendations and elements of the terms of reference for an Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, pursuant to Security Council resolution 2235 (2015), I wish to reaffirm the following:

One of the steps to be taken will be to expeditiously consult with the Syrian Arab Republic regarding a status of mission agreement, which is necessary for the proper implementation of the mandated activities of the Joint Investigative Mechanism under resolution 2235 (2015) in the Syrian Arab Republic, including with respect to privileges, immunities and security.

The Joint Investigative Mechanism shall take due care in making its determinations regarding whether there are reasonable grounds to believe that access is justified in accordance with paragraphs 5 and 7 of resolution 2235 (2015), which also provide that the Syrian Arab Republic and all parties shall provide full access to all locations, individuals and materials in the Syrian Arab Republic that the Mechanism deems relevant to its investigation.

The trust fund to be established in support of the activities of the Joint Investigative Mechanism shall be administered in accordance with the administrative and financial regulations of the United Nations. Voluntary contributions to the trust fund will be used for the material and technical needs of the Mechanism.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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